

By Mr. MANN: Petition of Bankers' Club, Chicago, for legislation in harmony with enunciations of currency commission of American Bankers' Association, sitting at Washington—to the Committee on Banking and Currency.

Also, petition of Chicago Christian Endeavor Union, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Chicago Typographical Union, No. 16, favoring investigation of status of women and child workers of the United States by Secretary of Commerce and Labor—to the Committee on Labor.

Also, petition of Monmouth Commercial Club, favoring legislation for improvement of navigable streams in United States, especially upper Mississippi—to the Committee on Rivers and Harbors.

Also, petition of The University of Chicago Press, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of Patrick Dooley—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: Petition of various commercial bodies of Philadelphia, for deepening of the Delaware River—to the Committee on Rivers and Harbors.

By Mr. MORRELL: Petition of Joint Executive Committee, for the improvement of the Delaware and Schuylkill rivers—to the Committee on Rivers and Harbors.

By Mr. PATTERSON of Tennessee: Petition of Union No. 4, A. S. M. W. I. A., of Memphis, Tenn., favoring merchant marine commission shipping bill passed by the Senate of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Joint Executive Committee on the Improvement of the Harbor of Philadelphia, for deepening Delaware River to 35 feet—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to Japanese in schools of said city—to the Committee on Foreign Affairs.

By Mr. PRINCE: Petition of Republican Register, Galesburg, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of various commercial bodies of Philadelphia, for appropriation to deepen the Delaware River at Philadelphia—to the Committee on Rivers and Harbors.

Also, petition of Numismatic and Antiquarian Society of Philadelphia, for removal of duty on works of art—to the Committee on Ways and Means.

By Mr. RYAN: Petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of various commercial bodies of Philadelphia, for deepening the Delaware River—to the Committee on Rivers and Harbors.

By Mr. SCHNEEBELI: Petition of joint executive committee on improvement of harbor of Philadelphia, for deepening channel of the Delaware to 35 feet—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Paper to accompany bill for relief of B. O. Mahaffey and J. A. Cleveland—to the Committee on Military Affairs.

Also, petitions of citizens of Vallecant, Ind. T.; citizens of Brookston, Tex.; Hon. Lee Cruce; Hon. Sidney Suggs, et al.; Hon. W. H. Murray; Governor Johnson, et al.; citizens of Tishomingo, Ind. T.; citizens of Atoka, Ind. T., and citizens of Paris, Tex., for appropriation to improve upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edward J. Warner—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of Elijah Fentress, Emanuel Sandusky, and E. F. Hacker—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of James E. Arnold—to the Committee on Claims.

By Mr. STERLING: Petition of News-Herald, Lincoln, Nebr., Pentograph Printing and Stationery Company, and Lincoln Courier, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of Fred L. Baker, Nunda, N. Y., for amending post-office laws so as to admit paper of certain size as fourth-rate matter—to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Paper to accompany bill for relief of Edwin May—to the Committee on Invalid Pensions.

By Mr. WHARTON: Petition of Packing Trade Council,

Chicago, for passage of bills H. R. 17562 and S. 5469, investigating social, moral, educational, and physical condition of women and child workers of the United States—to the Committee on Labor.

By Mr. WOOD of New Jersey: Petition of Daily True American, against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, January 9, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ALLOTMENT OF INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Esta Beaver, Peoria allottee No. 62, for lands allotted to her in Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

COMPILATION BY BUREAU OF INSULAR AFFAIRS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs consisting of all legislation enacted by the Fifty-eighth Congress from March 4, 1903, to March 3, 1905, pertaining to Alaska, Cuba, Guam, Philippine Islands, etc., together with all treaties and conventions entered into by the United States affecting any of this territory, and also all proclamations issued by the President concerning any of this territory, etc.; which, with the accompanying papers, was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT. The Chair lays before the Senate a telegram in the nature of a petition, which will be read.

The Secretary read the telegram, as follows:

SPOKANE, WASH., January 8.

President of United States Senate, Washington, D. C.:

Whereas the increased cost of living is a condition and not a theory; and

Whereas the present salary of our national representatives is inadequate to the dignity and needs of the office; and

Whereas there is no power but Congress that can raise Congressional salaries; and

Whereas scruples of delicacy prevent our representatives from voting more money into their own pockets: Therefore be it

Resolved by the Spokane Chamber of Commerce in annual meeting assembled: That we would favor a salary for our United States Senators and Congressmen, exclusive of traveling expenses, of \$8,000 per annum, and would recommend and urge that that sum be fixed by act of Congress now in session.

Resolved, That these resolutions be transmitted by wire to the President of the Senate and Speaker of the House of Representatives, with request that they be read in open session of each House, and that through the press we request every commercial organization throughout the United States to take similar action.

SPOKANE CHAMBER OF COMMERCE,
By F. E. GOODALL, President.

Mr. GALLINGER. I move that the telegram be referred to the Committee on Appropriations.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HOPKINS presented memorials of sundry trainmen employed on the Pennsylvania lines in Chicago, Ill., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Chicago, Ill., praying that the Isthmian Canal Commission operate one-third of the Government shipping out of the Gulf ports, with New Orleans as the most practicable port; which was referred to the Committee on Inter-oceanic Canals.

He also presented petitions of sundry newspaper publishers of Clinton, Crystal Lake, Dwight, Harvard, Eureka, Pana, Morris, Pontiac, Grayville, Elgin, Monticello, Rockford, Newton, Duquoin, Bushnell, Greenville, Fairfield, Dahlgren, Flora, Reynolds, Mount Sterling, Nauvoo, Ashton, Marshall, and Morrison, all in the State of Illinois, praying for the enactment of legislation to permit newspapers to contract with railroads for transportation to be paid for in advertising at regular rates; which were referred to the Committee on Interstate Commerce.

Mr. STONE presented a petition of Louis A. Craig Camp, Army of the Philippines, of Kansas City, Mo., praying for the

enactment of legislation providing foreign campaign badges for all persons who served honorably in the United States Army, Navy, and Marine Corps in campaigns in foreign countries; which was referred to the Committee on Military Affairs.

He also presented a petition of the Dark Tobacco Planters' Protective Association of Kentucky, Tennessee, and Virginia, praying for the enactment of legislation to repeal the tax on leaf tobacco; which was referred to the Committee on Finance.

He also presented the petition of John E. Weber of the State of Missouri, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

He also presented a petition of sundry citizens of Sedalia, Mo., praying for the ratification of certain treaties for the enlargement of the jurisdiction of The Hague tribunal, and also for the enactment of legislation providing for an increase in the efficiency of the Navy; which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Laredo, Slater, and Brookfield, all in the State of Missouri, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of sundry citizens of Kansas City and Stansberry, Mo., and of Omaha, Nebr., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented petitions of sundry citizens of Morley, Huntsville, St. Joseph, Thayer, Little Rock, Mount Vernon, Wentworth, Arcola, Hermann, Clinton, Mound City, Charleston, Green Ridge, Bakersfield, Bloomfield, Speed, Granby, and Elsberry, all in the State of Missouri, praying that an appropriation of \$50,000,000 be made for river and harbor improvements in the United States, and particularly for the construction of a 14-foot waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

Mr. OVERMAN presented a memorial of sundry citizens of the State of North Carolina, and a memorial of Local Division, Brotherhood of Locomotive Firemen, of Asheville, N. C., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. PILES presented a petition of sundry citizens of Shelton, Wash., praying for the enactment of legislation to regulate the transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of sundry citizens of Casselton, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a petition of sundry citizens of Marshallton, Del., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented a petition of the Associated Charities of South Bend, Ind., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. SIMMONS presented a memorial of sundry citizens of Hickory, N. C., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Elizabeth City and Weldon, in the State of North Carolina, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. PROCTOR presented a petition of Local Division No. 535, Brotherhood of Railway Trainmen, of St. Albans, Vt., praying for the passage of the so-called "sixteen-hour bill;" which was ordered to lie on the table.

He also presented memorials of sundry railway conductors, engineers, firemen, and brakemen of the Central Vermont Railway Company, of St. Albans, Vt., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. KNOX presented petitions of C. B. Sowash, chairman of the grievance committee of trainmen, Pennsylvania lines west of Pittsburgh, Pa.; of O. Irwin, representing the conductors, and of sundry employees of the northwest and southwest systems of Pennsylvania Railroad lines west of Pittsburgh, Pa., praying for a modification of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented petitions of Local Lodge No. 179, Brother-

hood of Railroad Trainmen, of Pittsburgh; of Local Lodge No. 94, Brotherhood of Railroad Trainmen, of Carbondale; of Local Lodge No. 703, Brotherhood of Railroad Trainmen, of Brownsville; of Local Lodge, Brotherhood of Railroad Trainmen, of Meadville; of Local Lodge No. 633, Brotherhood of Locomotive Firemen and Enginemen, of Pittsburgh, all in the State of Pennsylvania, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 6810) to amend an act entitled "An act to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895," approved June 27, 1906, reported it without amendment.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 362) granting an increase of pension to James M. Bullard, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to which was referred the bill (S. 7295) granting an increase of pension to Gabriel Campbell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7428) granting an increase of pension to Helen C. Lettenmayer; and

A bill (S. 5586) granting an increase of pension to Albert F. Pepon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6226) granting an increase of pension to Mary A. Mickler; and

A bill (S. 5699) granting an increase of pension to Adelaide D. Merritt.

GIFT OF SAILBOAT TO NAVAL ACADEMY.

Mr. HALE. I report back favorably from the Committee on Naval Affairs, without amendment, the bill (S. 7372) to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for the use of the midshipmen at the Naval Academy, and I submit a report thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Navy to accept as a gift, from a member of the family of the late Assistant Naval Constructor Joseph E. McDonald, a sailboat for the use of the midshipmen at the Naval Academy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HALE on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Select Committee on Ventilation and Acoustics be authorized to employ a messenger at \$1,440 per annum, the same to be paid out of the contingent fund of the Senate.

JOANNA C. KELLEY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. RAYNER on the 8th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the contingent fund of the Senate, to Joanna C. Kelley, widow of T. A. Kelley, late a fireman in the employ of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 7645) to grant an extension of certain letters patent to Will F. Hoyt, of Dowagiac, Mich.; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 7646) providing for the establishment of a public park at Fort Thayer, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McENERY introduced a bill (S. 7647) for the relief of the estate of Joseph L. Richardson; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7648) granting an increase of pension to Joseph H. Suits;

A bill (S. 7649) granting an increase of pension to William Elias; and

A bill (S. 7650) granting an increase of pension to Charles Kort.

Mr. SUTHERLAND introduced a bill (S. 7651) granting rights of way and easements for the construction, use, maintenance, and operation of roads, highways, canals, ditches, reservoirs, telephone and telegraph lines, and lines for the transmission of electric light and power within and through forest reserves on the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STONE introduced a bill (S. 7652) granting an increase of pension to Daniel F. Lee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 7653) for the relief of the Mille Lac band of Chippewa Indians of the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7654) granting an increase of pension to John Young;

A bill (S. 7655) granting an increase of pension to Francis G. Brown;

A bill (S. 7656) granting an increase of pension to Edwin R. Hill;

A bill (S. 7657) granting an increase of pension to Herman Grass; and

A bill (S. 7658) granting an increase of pension to Edward C. Gearey.

Mr. SIMMONS introduced a bill (S. 7659) to change the time of holding the United States district courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, N. C.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7660) granting a pension to Julia Elgie; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7661) for the relief of Mrs. A. M. Bacon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 7662) granting a pension to Victoria Ficker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 7663) to increase the efficiency of the personnel of the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 7664) to amend the code of law for the District of Columbia, and providing for the appointment of probation officers for adults; and

A bill (S. 7665) for the relief of John J. Sanborn.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7666) granting an increase of pension to True Sanborn, jr.;

A bill (S. 7667) granting a pension to Henry Lunn; and

A bill (S. 7668) granting an increase of pension to Henry H. Buzzell.

Mr. BULKELEY introduced a bill (S. 7669) to amend an act approved June 29, 1906, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission;" which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. DU PONT introduced a bill (S. 7670) granting a pension to Sarah E. Lungren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7671) granting an increase of pension to C. H. Alden;

A bill (S. 7672) granting an increase of pension to Elvina Adams; and

A bill (S. 7673) granting an increase of pension to William W. Jordan.

Mr. CLARK of Montana introduced a bill (S. 7674) to survey and allot the lands embraced within the limits of the Black-foot Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE introduced a bill (S. 7675) to establish a fish-cultural station on the Kennebec River, in the State of Maine; which was read twice by its title, and referred to the Committee on Fisheries.

Mr. KNOX introduced a bill (S. 7676) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. WARREN introduced a bill (S. 7677) to appoint Warren C. Beach a captain in the Army and place him on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

LEAVES OF ABSENCE FOR HOMESTEAD SETTLERS.

Mr. HANSBROUGH introduced a joint resolution (S. R. 81) authorizing temporary leaves of absence for homestead settlers; which was read the first time by its title.

Mr. HANSBROUGH. I ask for the present consideration of the joint resolution.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That homestead settlers upon the public domain, in those sections where climatic conditions and other causes of an unnatural nature exists resulting in personal hardship, are hereby granted a leave of absence from their land for a period of three months from the date of the approval of this resolution. All homesteaders seriously affected by such conditions or causes shall make application, supported by affidavit, setting forth the facts justifying the leave of absence applied for to the register and receiver of the land office of the district in which their land is situated, and settlers granted such leave shall forfeit no rights by reason of the absence allowed hereunder: *Provided,* That the period of such actual absence shall not be deducted from the full time of residence required by law.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment relative to the pay and allowances of professors of mathematics in the Navy, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment providing for an examination and survey of Pepperell Cove, Maine, intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. CLAPP submitted an amendment authorizing the issuance of sixty Springfield cadet rifles to the Indian school at Phoenix, Ariz., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing that all lands allotted to Indians in severalty or reserved for their use in common, susceptible of irrigation, may be leased for a term not exceeding twenty-five years for cultivation under irrigation, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENTS TO RAILROAD EMPLOYEES BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was ordered to lie on the table, and be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was ordered to lie on the table, and be printed.

SUNDAY OPENINGS OF POST-OFFICES.

Mr. BURKETT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate by what authority post-offices are required to be kept open on Sunday, together with the regulations of Sunday opening, as to the extent of the business that may be transacted, and also what the provisions are for clerical help, and whether postal clerks or carriers are required to work more than six days per week.

ISSUANCE OF LAND PATENTS.

Mr. CARTER submitted the following resolution, which was read:

Resolved, That under the homestead laws of the United States a duly qualified entryman furnishing competent evidence of full compliance with said laws and all rules and regulations promulgated by authority thereof is, in the absence of contest or of any charge or evidence of fraud or mistake, legally entitled to a patent for the land embraced in the entry as to which final proof has been so furnished, and no executive officer is authorized to forbid and prevent the issuance and delivery of such patent.

Mr. CARTER. Mr. President, at an early day I will ask the indulgence of the Senate for sufficient time to express certain views concerning an order issued by the Secretary of the Interior on the 18th day of last month prohibiting the issuance of patents under all laws of the United States, regardless of the conditions. I intend to make it plain, if I can, to the Senate that that order was illegal and unwarranted; that it was issued and is being executed in violation of law, and that the Land Office records show that the issuance of the order is wholly indefensible.

I ask that the resolution may lie on the table, and be printed. The VICE-PRESIDENT. The resolution will lie on the table.

DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. PETTUS. I ask leave to call up House bill 21951, providing for the building of a bridge across a river in Alabama. It is a matter that requires some haste.

The VICE-PRESIDENT. There was a unanimous-consent agreement yesterday that the resolution respecting the Brownsville matter should be taken up at the conclusion of the morning business. The Senator from Alabama asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

Mr. FORAKER. If the Senator from Alabama will yield to me for a moment, I think we can avoid any conflict with the agreement made yesterday. I have just received a message from the Senator from South Carolina [Mr. TILMAN], stating that he is unable to be here to-day. He thinks he will be here to-morrow, and asks that the Brownsville matter may go over until to-morrow morning. I ask that the agreement under which the resolution went over until this morning may be continued until to-morrow morning.

The VICE-PRESIDENT. The Senator from Ohio asks unanimous consent that the consideration of the resolution respecting the Brownsville matter may be postponed from this morning until to-morrow morning after the routine business.

Mr. FORAKER. To come up then.

The VICE-PRESIDENT. To come up after the close of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

TOMBIGBEE RIVER BRIDGE.

Mr. PETTUS. I ask unanimous consent for the present consideration of the bill (H. R. 21951) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF PROVISIONS IN THE DISTRICT OF COLUMBIA.

Mr. McCUMBER. The Senator from New Hampshire [Mr. GALLINGER] asks that I shall yield to him, that he may have a very short bill considered, which I am pleased to do.

Mr. GALLINGER. I thank the Senator from North Dakota. I ask for the immediate consideration of the bill (S. 6578) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March

2, 1895, and to amend an act amendatory thereof approved June 20, 1906.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 10 of the act approved March 2, 1895, and the act amendatory thereof approved June 20, 1906, so as to read as follows:

SEC. 10. No person shall sell or offer for sale anywhere in the District of Columbia any provisions or produce or commodities of any kind for a weight or measure greater than the actual or true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances, or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having been first tested and sealed; but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed, as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE PENSION BILL.

Mr. McCUMBER. Mr. President, the resolution relating to the Brownsville affairs having gone over for the day, I presume that that will leave the time between this period and 2 o'clock in the afternoon for such discussion as Senators may desire to make of the bill which I ask to bring up this morning. I sincerely hope that Senators will give the matter their attention and that such as may desire will give the Senate the benefit of the expressions of their opinion upon each phase of the bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, which was reported from the Committee on Pensions with an amendment.

Mr. McCUMBER. Mr. President, the subject of service pensions has been agitated more or less during the last ten or fifteen years, and it has demanded and received continuing and greater and ever greater consideration as the accumulating years have added to the distress and the destitution of a large number of the survivors of the great conflict.

There are few persons, Mr. President, who will not concede that at some period after the close of the civil war a general service pension bill should be enacted. Those who have given the subject more than casual consideration have contended that such a bill should have been enacted at least ten years ago. It may be barely possible that there may be those who consider that the time has not yet arrived for such character of legislation. The opinion of the Committee on Pensions, who expressed that opinion, as I remember, by a unanimous vote, is that the debt of gratitude which we owe to the survivors of the civil war ought not longer to be delayed.

This bill was reported to the Senate on the 2d day of April of last year. It has, therefore, been public property for more than nine months. It has been considered by the press generally throughout the States, and its provisions have been given considerable publicity; and I have yet to hear the first criticism from any source against any provisions of the bill. The only things that I have received in the shape of criticisms have been letters from private individuals whose cases fall without the provisions and benefits of the bill. I can only say to them that it seems to me we should not modify the bill to any great extent. We have followed the rules that have been followed in other legislation as to time in reference to pension acts, and if in the future it is proper to so modify a general service bill it can be done whenever the requirements become manifest.

Mr. President, I feel personally that there is a greater obligation for the payment of a general service pension to the survivors of the civil war than for the payment of a like pension to the survivors of any other war in the history of this nation or of any war which we will be liable to enter into. It not only required a different character of patriotism to furnish the material to carry on that war of more than four years, but it also required a different character and a more intense and fervent quality of patriotism to furnish the material to conduct such a war.

In the first place, Mr. President, the nation and the world can never overestimate the devotion of the armies of the Union

in the battles for the suppression of the rebellion and the struggle for the upholding of the Union cause and to make us and continue us as one undivided nation.

More than one hundred years prior to 1776 the American people had become practically a separate nation, almost independent of the British Empire. Without those instrumentalities of international communication—steam and electricity—which bring all nations into neighborly fellowship, there had grown up on this side of the Atlantic practically a separate nation, with little affiliation with the mother country, and when the soldiers of 1776 were summoned to war they were required to do battle, not against Americans, not against the men of adjoining colonies, but practically against a foreign invader. They were defending their own rights and their own homes against invasion, and every man understands that it requires less to fire the emotion of patriotism into a fervent defense of home and of our own land than it does to carry on aggressive warfare into the land of the enemy. Not so were the conditions in the war of 1861 to 1865. Many a nation whose armies have failed in an aggressive warfare against inferior foes has won glorious victories in the defense of home against overwhelming odds.

If, therefore, I admire and honor the heroes of 1776 in their struggle for independence, if I admire the impulses of our Army in attempting to release and in succeeding in releasing themselves from a monarchical form of government which threatened the rights which had been guaranteed to all English-speaking people, how much greater must be my admiration for the men of 1861 to 1865, who left their own homes, who went into the land of the enemy and followed the flag during those four long years of desperate warfare that its honor might not be lessened and that its glory might not be diminished.

Now, Mr. President, not only this, but the men of 1865 were called upon to do battle not against a foreign foe, but against men of their own blood, men of their own character, men of their own fighting qualities, men as brave and as well organized as themselves, men as heroic and as equally patriotic, according to their ideas of the patriotism of that day, as were the soldiers of the Union Army. And not only this, they knew, Mr. President, when they entered into the war that they were not to stand behind forts to repel invasion, but that they were to be the invaders themselves. They knew that they were to be the aggressors all along the line, and that this aggression meant increase and disproportionate dangers. They knew that they were to battle father against son in the border warfare and brother against brother. Even the old Commonwealth of Kentucky furnished about 90,000 soldiers, I believe, to each one of the great contending armies. They knew in addition to that, Mr. President, that the ancestors of the men of the South had fought side by side with their ancestors in the great struggle for independence; that men of the South had fought side by side with their grandfathers in the war of 1812, shoulder to shoulder with their grandfathers and fathers and elder brothers in the war with Mexico, and that their ashes commingled on many battle plains.

I repeat, Mr. President, that it required a greater devotion to principle to carry on that war, as against Americans of our own blood, than it ever required to carry on any other war on the face of the earth, and that call was met with a patriotism and a devotion unexcelled in all the world's long history.

Now, Mr. President, the debt of gratitude which any nation owes to its soldiers who constitute its armies in any conflict must necessarily be measured by the sacrifice that is endured and by the results of that conflict and the devotion of those engaged in it. When I compare those conditions with the conditions of any other war in which we have been engaged, I have a right to insist that the soldiers of the war of 1861 to 1865 should not only receive equal consideration, but greater consideration than the soldiers of any other war. Even in our enlightened policy and notwithstanding the claim that we have dealt more liberally with the soldiers of the civil war than with the soldiers of any other war, I desire to demonstrate very briefly that in very many respects we have not dealt with them as liberally as we have with the soldiers of other wars.

Mr. President, it must be remembered that the soldiers of the Philippines or the Spanish war received at the close of that war a compensation for wounds and disabilities incurred in service equal to that which the enlightened policy, the greater wealth, and the sounder judgment of the nation had accorded to the soldiers of the civil war thirty or forty years after the expiration of that war. It must be remembered also that the small amounts which were paid at the close of the civil war in the shape of pensions for injuries received at that time were a mere bagatelle as compared with the amounts which are paid to-day to the young men who have just come out of the Spanish or the Philippine wars.

And not only is this the case, Mr. President, but the small \$13 a month which was paid to the soldiers who fought during all of those long years was paid in a currency which, when compared with the standard of money at that time, was not equal to more than 50 per cent of its face value, and at a time, in addition, when even the common necessities of life were more excessive in cost than they have ever been in the history of the United States. The amount received by the soldier of the civil war as he came out of that war, disabled by reason of it, did not purchase one-tenth of the comforts that the amount that is received by the soldier of this later war coming out under similar disabilities.

The country now, Mr. President, is wealthy. The Treasury is bursting with its load of coin. Under these conditions extravagances of every character are creeping into our legislation, extravagances which well might be abandoned until we have performed our entire duty toward the survivors of that war which made it possible that we have a country of this wealth and which could indulge in those extravagances.

Mr. President, in order to show the disparagement between the character of pensions that were granted at the close of the war of 1861 to 1865 and the war with Spain, I wish to give very briefly what was received by each soldier at the close of each of those respective wars under like disabilities. This is well worthy the consideration of every Senator, and can not but impress him with the conviction that his duty is at the present time to at least place the soldiers of the war of 1861 to 1865 on an equal footing with the soldiers of the late war.

Let us take some of the specific disabilities. The soldier of the civil war at the close of that war received for the loss of both hands \$25 per month. The soldier of the Philippine war receives \$100 per month for the same disability.

The soldier of the civil war received at the close of that war for the loss of both feet \$20 per month. The soldier of the Philippines receives for the same disability \$100 per month.

The soldier of the war of the rebellion received for the loss of the sight of both eyes \$20 per month. The soldier of the war with Spain receives \$100 per month.

For the loss of sight of one eye, the other eye being affected, the soldier of the war of the rebellion received \$25; of the war with Spain \$72 per month.

For the loss of one hand and one foot the soldier of the war of the rebellion received \$20 per month. The soldier of the war with Spain receives \$60 a month.

For the loss of an arm at or above the elbow or a leg at or above the knee the soldier of the civil war received \$15 per month; the soldier of the war with Spain \$46 per month.

For the loss of a leg at the hip joint the soldier of the first war received \$15, of the latter, \$55 per month.

For total disability in one hand or one foot the soldier of the former war received \$20, of the latter war, \$60 per month.

For an incapacity requiring regular aid and attendance the soldier of the war of the rebellion received \$25; the soldier of the recent war receives \$72.

For total deafness the soldier of the war of the rebellion received \$13; the soldier of the war in the Philippines received \$40.

Mr. President, the men who received these comparatively small sums received no greater relief until within a very few years ago. So if we should pass this pension bill which I am now discussing, which grants but \$12 per month at the age of 62, \$15 at the age of 70, and \$20 at the age of 75, it would not by any possibility equal the amount that would be received during the life of the soldiers of the Philippine war, assuming that they will live as long as those of the civil war. If, therefore, we should grant this partial justice, comparing the two wars and what each of the soldiers would receive, there would still be an injustice to the survivors of the great civil war. Justice demands, Mr. President, that we equalize this matter as nearly as possible.

The subject has been discussed here, and a great many of the newspapers have taken it up, of an increase of the salaries of the clerks in our Departments. It is stated that those clerks have salaries averaging about \$100 per month, and it is proposed to increase those salaries 20 per cent, or \$20 per month, for services amounting to about seven hours per day. It is inconceivable to me how anyone should favor the granting of that great allowance in the matter of a mere addition, while, at the same time, he would refuse to allow the same amount to the men who fought four years during the rebellion, who have reached the age of 75 years, and in all probability can not remain outside of their graves for more than four years longer. Twenty dollars per month, Mr. President, would not equalize even the amount that the soldier ought to have received during those four long years of strife; and if he then received but

about \$4 in the then standard of money, he ought to receive for the balance of his life, if he should live from 75 to 79 years, at least an additional \$20 per month.

Mr. President, some twelve or fifteen years ago we increased the pensions of those who served from six months to one year. We raised them to \$12 per month, while the majority of the soldiers who fought in the open for four years are receiving less than \$10 a month. I point out these incongruities and these inconsistencies that we may better know what justice ought to be meted out to the survivors.

Mr. President, the soldier of the Mexican war has been granted \$12 per month for his sixty days' service. One-half of the soldiers of the rebellion of the same age have not yet received a pension of \$10 per month, although the service was very much longer. Whenever we select one arm of the service, or the pensioners of one arm, considering the hardships they suffered and the struggles that were necessary to carry on that war and the miseries they endured, and allow them a pension which is disproportionate to what we allow other soldiers of other wars, or other arms of the same army, we are doing an injustice that can not but be keenly felt by everyone who has engaged in any one of those wars.

It is my hope, Mr. President, therefore, that we will do this slight act of justice to those of the civil war, who made it possible for us to have a nation that is capable of doing justice.

Mr. President, it has been suggested here, and suggested in other places, that this bill should be amended so as to give a flat rate of \$12 per month to all who served in that war, irrespective of time. It seems to me that a glance at this will show its injustice. In the first place, the older soldiers are those of the longer service. The man who receives \$20 per month because he has reached the age of 75 years is in nearly every instance a soldier who served during the entire four years. The short-service men were the younger men, who were too young to go into the Army at the beginning of the war, and went in at 15, 16, or 17 years of age toward its close. Therefore, considering the longer service of the older men, it is but just that they should receive the greater amount. In addition to this, Mr. President, as we all understand, their necessities become greater as they grow older.

We have taken 62 years as the basis for the pension of \$12 per month. The only reason we have taken that is that there seems to have been a kind of precedent for it. It was the precedent in the case of the general pension law in favor of the survivors of the war with Mexico; it was the precedent established by Order No. 78, under which the conclusive presumption is that when a soldier has reached the age of 62 years he is totally incapacitated from performing manual labor.

Mr. President, I assume that the query will naturally arise as to what amount this bill, if enacted into law, will increase the present pension appropriation. About a year ago—on March 28, 1906—this bill was submitted to the Commissioner of Pensions, and a letter was received from him, from which I will simply quote rather than to insert the entire letter. It will show generally the amount estimated to be required if this bill be enacted into law. Of course we all understand that a year's difference in the age of the pensioner will make considerable difference in the result that will be obtained under this bill.

It appears that on March 28, 1906, from the estimate made from a previous year, that:

The number of civil-war soldiers on the roll June 30, 1905, receiving less than \$12 per month on that date, who will be between the ages of 62 and 70 years on June 30, 1906, is estimated at 148,000.

Of this number 37,000 are receiving \$6 per month; 66,600 are receiving \$8 per month, and 44,400 are receiving \$10 per month. The proposed bill grants them \$12 per month, and the annual increase to these pensioners would be as follows, viz:—

This is the important table—

37,000	would receive an increase of \$72 per year, or—	\$2,664,000
66,600	would receive an increase of \$48 per year, or—	3,196,800
44,400	would receive an increase of \$24 per year, or—	1,065,600
148,000	Total—	6,926,400
Of the 230,000 civil-war soldiers pensioned at \$12 per month, and the 21,000 who are pensioned at \$14 per month, it is believed that about 53,000 are between 70 and 75 years of age, and therefore would take \$15 under the bill. Of this number—		
48,000	would receive an increase of \$36 per year, or—	\$1,728,000
5,000	would receive an increase of \$12 per year, or—	60,000
53,000	Total—	1,788,000

Then the Commissioner proceeds:

Of the number of soldiers pensioned at rates between \$12 and \$20 per month, it is believed that 30,000 will be over 75 years of age on June 30, 1906. The increase to the roll caused by granting them \$20 per month would be about \$2,000,000 per year.

This would bring the whole matter up to about \$10,714,000 per year.

But, Mr. President, as you will observe, the Commissioner of Pensions makes his prediction upon the assumption that all of these soldiers will immediately apply, and that their application will be immediately heard for the larger pension when they reach the respective ages covered by the bill. As a matter of fact, very many of them will probably not apply at all, and others will apply some time thereafter. It will not only take a year, but it will take years before all have applied. There are many—I believe 130,000, it is now estimated—in the unknown army who have never made any application. Considering a still further addition to this number, the Commissioner of Pensions has assumed that a great many of them will also make application under the bill. I believe, therefore, Mr. President, that it is safe to assume that within the next year there will not be an increase of more than about \$6,000,000 to the cost of the pension roll.

Mr. President, I do not know that I desire to say anything further on this subject than to call attention to another feature of the pension laws and to another reason why this bill should be enacted. I desire to call attention to the period which had elapsed after each war before a service pension was provided for the soldiers of such war. Let us take the war of the Revolution. March 18, 1818, thirty-five years after the termination of the Revolution, was passed the first act of general pension legislation. Pensioners under this act must have been in indigent circumstances, in need of assistance. May 15, 1828, forty-five years after the close of that war, a general pension was granted to all who served to the end of the war; and June 7, 1832, forty-nine years after the war, the pension provisions were extended to all who served not less than six months. Considering that, in comparison with the war of 1812, we find that on February 14, 1871, fifty-six years after the close of the war, was the first general pension legislation for the survivors of that war. That act required sixty days' service. March 9, 1878, sixty-three years after the close of that war, this period was reduced to fourteen days.

As to the war with Mexico, on January 29, 1887, thirty-nine years after the close of the war, a pension act was passed which required sixty days' service, and applied to those who were 62 years of age or disabled or dependent. As to the Indian wars, the first pension legislation was passed July 27, 1892, fifty years after the close of the Black Hawk, Creek, Cherokee, and Seminole wars. That was the first law which applied to all who served not less than thirty days.

So, by a recapitulation, we will observe that the first general act pensioning soldiers of the Revolutionary war was but thirty-five years after the close of that war; and as to the war of 1812, it was fifty-six years afterwards, and the war with Mexico thirty-nine years thereafter. So, Mr. President, it may be observed that the first act in relation to the war of 1812 required only sixty days' service, the next only fourteen days' service; that the first act with reference to the war with Mexico required but sixty days' service, and the acts in reference to the Indian wars required but thirty days' service, while the only act of a general service character concerning the veterans of the war of the rebellion required ninety days' service. So it will be at once seen that, both in reference to the time elapsing after the close of the war and the length of service necessary to entitle a soldier to the benefits of the law, and in reference to the amount received, the soldiers of previous wars have in some respects been treated with greater consideration than those of the civil war.

This, Mr. President, it seems to me, ought to be rectified. It is not a matter of mere sentimentality. We owe a duty and are under a moral obligation to every survivor of the civil war. That obligation is to make as pleasant, as agreeable, and as comfortable as possible the declining days of those old soldiers. We can not fulfill that obligation by a mere love for the country which they saved or by a mere admiration of their deeds of valor. That obligation can only be fulfilled when we have done our complete duty to every one of those soldiers, not by the erection of monuments after they are dead, but by assisting them while they are on this side of the grave. I sincerely hope that this act of justice, so long delayed, will find supporters at the present session of Congress.

Mr. SCOTT. Mr. President, I do not know that it is worth while for me to enter into a discussion of this bill. If Senators care to know my views on this question, I think I can do no better than refer them to some remarks which I made on Tuesday, January 27, 1903, when I advocated a similar proposition presented in the form of a resolution.

I have long felt, Mr. President, that we are not doing justice to the soldiers who served in the war from 1861 to 1865. They are all growing old, and many of them are suffering from disease contracted in the service, although possibly at the time

they were in the service they had no hospital records upon which to base a claim for pension. I can cite the case of one soldier from my own State who served his full enlistment of three years and then served as a veteran for one year additional. He was engaged in thirty-one battles and skirmishes, but was fortunate enough never to have been wounded or to have been in the hospital; consequently he has no hospital record. At the advanced age of 69 he writes me that because of the arduous service and duty he performed during the war he finds himself unable to perform manual labor. He is possessed of a little house, with a quarter of an acre of ground, which, he says, is not sufficient for him to make a living for himself and "mother," meaning his wife. He wanted to know of me how I could get him a pension.

Mr. President, that is one of the many cases that come before those of us who are on the Pension Committee. I have been trying for at least five or six years to get passed through the Senate and through the House a bill that would give to these old soldiers at least a small pittance upon which they might live, if not in comfort, at any rate without being compelled to go hungry the balance of their few years.

There was no man called into the service of the United States in the dark days of 1861 who was not needed. There was no man called whose name, if he makes application for pension, does not have to appear upon the muster rolls, and he must show that he had an honorable discharge. We are too great, we are too rich a nation to turn the veterans aside and say, "Oh, well, we made you the promise to care for you in your old age, and your widows and your orphans, but that was forty-two or forty-three years ago." We can not afford to be unjust to the brave old defenders of the flag who fought in the civil war. We should care for them as we have cared for the Mexican war veterans.

In this connection I want to pay a tribute to my friends of the South who have, by State enactment and by taxation upon themselves, cared and are to-day caring better in proportion for the soldiers of the South who wore the gray than we are for the soldiers of the North who wore the blue. I admire my southern brethren and friends. I admire their States for enacting such laws to care for their veterans in their old age.

I do not believe that I could possibly say more in favor of this bill than I said in the speech to which I have referred. If any Senator cares to look over and ascertain my views and my reasons for supporting a bill of this kind at more length than in the few remarks that I have made this morning, I will ask him to send for a copy of the speech in which I endeavored at length to express my views upon a resolution similar to the bill which is now pending.

I do hope that it will be the pleasure of the Senate to pass this bill, and to relieve us from the great number of special bills that we are called upon every day to consider and very few of which are ever turned down. We report them favorably and the Senate passes them. Why not, as the Senator from North Dakota [Mr. McCUMBER] has very well said, give us this bill, which will establish exactly what the old soldiers may expect and what we intend to do for them?

Mr. President, we are abundantly able, with more gold in our Treasury than was ever within the vaults of any government on earth before. Our rapid growth and development and the splendor of our genius stand the wonder and study of mankind. Mr. President, the harvest is plentiful, and the laborers must by the laws of nature grow fewer each year. Over the span of forty-two years many of our comrades will have marched in triumph to that final victory. Let our gratitude cheer the hearts and our bounty brighten the pathway of the survivors.

Mr. WARNER. Mr. President, I do not intend to enter into a discussion of this question at this time. I note that this bill was reported to the Senate nine months ago the 2d of this month, and, if legislation is to be had, certainly at this Congress, the bill ought to be set down for a vote at an early day. I ask the Senator in charge of the bill if it is his purpose to ask that a vote may be had on this bill at an early day, so that we may do something more than to make speeches and declare our good intentions toward the old veterans?

Mr. McCUMBER. Replying to the Senator's question, I desire to state that it was my intention after the bill had been discussed this morning to ask that it be made the unfinished business after we dispose of the unfinished business now on the Calendar, and that then at a future time we fix a day certain on which a vote might be had.

Mr. GALLINGER. Mr. President, I have been interested in the remarks of the Senator from North Dakota [Mr. McCUMBER] and the Senator from West Virginia [Mr. SCOTT], and I confess in advance, in view of the fact that at a former time I was

prominently connected with the Committee on Pensions, that I am reluctant even to rise for the purpose of discussing the measure. Yet there are some features of it that I think ought to be placed more directly before the Senate in advance of a vote on the bill.

The Senator from North Dakota gave correctly the time that elapsed before service-pension acts were passed in the wars that preceded the civil war. An examination of that record will show that there is no discrimination against the civil-war veterans up to the present time in that respect. Just forty years have elapsed since the close of the civil war.

Mr. SCOTT. Forty-two years.

Mr. GALLINGER. I beg the Senator's pardon; officially the war closed in 1866. If it closed in 1865, forty-one years have elapsed.

Following the Revolutionary war, the first bill was enacted thirty-five years after the war closed, but it was a very narrow bill. It granted a small pension, infinitely smaller than is proposed in this bill, and it was only to be paid to soldiers who were in indigent circumstances and in need of assistance. So that it was an exceedingly narrow bill. Afterwards a further enactment was made, and the original law was broadened to some extent, but no general pension was granted to survivors of that war until forty-five years after its close.

After the war of 1812 fifty-six years elapsed before any pension was granted, and that was a very small pension, as I remember, of \$6 or \$8 per month.

After the close of the war with Mexico we passed three acts. I want to call attention to those acts. The original pension act growing out of the Mexican war was passed January 29, 1887, thirty-nine years after the close of the war. That act simply provided that the survivors should be placed on the roll at the rate of \$8 per month when they attained the age of 62 years.

Subsequently, April 23, 1900, that was amended so that it was provided that soldiers of that war who were in necessitous circumstances and wholly disabled for the performance of manual labor should receive \$12 per month. March 3, 1903, it was again amended so as to grant all survivors of that war, every one of whom is a very old man and a very feeble man, \$12 per month, and that is the law to-day. That is the way we have dealt with the soldiers of the war with Mexico. The soldiers of the Indian wars were granted, fifty years after the close of the war, a pension of \$8 per month.

Mr. President, there is a special reason, which it is well enough to put into the Record, why we have not before the present time passed a service-pension bill for the survivors of the civil war, although the time elapsed averages just about the same as that which elapsed before we passed service-pension bills for survivors of the other wars.

Commissioner Evans, under date of March 8, 1902, in a communication addressed to me when a service (per diem) pension bill was under consideration at that time by the Committee on Pensions, suggested the reason. He says:

With reference to the propriety of the legislation proposed by the bill, I have the honor to state that it has been my belief that a per diem service pension should have been granted in 1890 in lieu of that provided by the act of June 27, 1890, and that such an act would have been more equitable and just in many respects; but as more than \$600,000,000 have now been paid out under the act of June 27, 1890, and as substantial relief is being daily afforded to hundreds of applicants under that act the propriety of additional legislation at this time extending the provisions of the pension laws, which are now exceedingly liberal, should be carefully considered.

Mr. McCUMBER. What is the date of that?

Mr. GALLINGER. It is dated March 8, 1902.

Mr. President, four years ago we had paid out under the act of June 27, 1890, \$600,000,000, and it is safe to say that at the present time the amount reaches \$800,000,000. That enormous sum was paid out under a bill that was to all intents and purposes a service pension bill. That is to say, the requirements were that a man should have served ninety days and that he should, to a lesser or greater extent, be incapacitated for the performance of manual labor. He was not required to prove that he had incurred any disability whatever in the service, but simply that he was incapacitated, partially or wholly, for the performance of manual labor; and the pensions allowed were six, eight, ten, and twelve dollars per month, according to the degree of disability. It is well to keep in mind that fact. I think it was an unfortunate piece of legislation. Had it not been enacted we would doubtless before now have had a service pension bill which would not have been restrictive in any particular so far as concerns granting pensions to survivors of the civil war.

Mr. President, it is absolutely impossible for us at this late day to legislate so as to grant equal and exact justice to every soldier. The Senator from North Dakota [Mr. McCUMBER] has

called attention to the discrepancy between the rates of pensions allowed to survivors of the civil war and those that are now being allowed to survivors of the war with Spain; and there is a very striking and palpable injustice, if it could be corrected. But I call the attention of the Senator from North Dakota to the fact that if the bill which he advocates shall be enacted a very large proportion of the increase that will be paid out of the \$15,000,000 a year, as estimated by the Commissioner of Pensions, will go to the men who have been drawing pensions under the act of June 27, 1890, and not to the men who have secured pensions under the general law because of disability incurred in the service. An enormous percentage of it will go to the men who have been drawing pensions for sixteen years without having made even a pretense that they incurred any disability whatever as a result of Army service.

One year ago the First Deputy Commissioner of Pensions, in answer to a letter I sent him, gave his estimate of what it would cost to place all the surviving soldiers of the civil war on the pension rolls at \$12 per month. That estimate, a year ago, was \$15,383,190.84. I will say in passing that I have not a great deal of confidence in the accuracy of estimates. I think they are necessarily guesswork to some extent, but they are approximately correct. But what I want to say is that out of the \$15,383,000 in that estimate \$12,517,000 would go to the soldiers who are on the roll under the act of June 27, 1890, who incurred no disability whatever in the service, and only \$2,865,000 to the men who had proved disability as the result of their Army service.

Precisely the same result will be reached if the bill now under consideration shall be enacted. An enormous percentage of the money will go to the men who are now on the pension rolls without having incurred disability, and a very small proportion of it will go to the men who did incur disability as a result of Army service and who are on the roll on account of that fact. I do not know that I am at war with that condition; I do not know that I want to interpose any serious objection to it; indeed, there is no remedy for it; and yet it is well enough for us to understand precisely what the result of this legislation is to be.

Mr. President, we have been extremely generous as a nation to our soldiers. Nobody doubts that. The men who served in the Army admit it, as did the Senator from West Virginia; and those of us, who for various reasons did not serve in the Army, know it to be a historical fact. We have dealt very generously with our soldiers of all the wars, but especially so with those who served in the civil war.

I wish to give a few statistics, and they are very brief. In all the wars in which we were engaged, 3,304,995 men gave service. Of these men 69 per cent served during the civil war and 31 per cent in the other wars, including the Revolutionary war, the war of 1812, the Mexican war, and the war with Spain. We have paid out in pensions \$3,320,860,022.98, and this vast amount does not include what our Government, in its beneficence and generosity, has paid out for the maintenance of soldiers' homes and other expenditures that have greatly added to the comfort of the men who served the country so patriotically from 1861 to 1865. Of this amount, \$3,320,000,000, 95 per cent, or \$3,144,395,405.26, has been paid to the soldiers of the civil war. While the soldiers of the civil war represent 69 per cent of the men who were engaged in all our wars, they have received 95 per cent of the pension money that has been paid out by the Government, including all those wars. So we have not been parsimonious to these men. We have dealt with them with the utmost liberality, as I view it.

Mr. President, we have of recent years gone further in the matter of liberality than we have done at any previous time, and the soldiers of the civil war have been the beneficiaries. First, under an Executive order, which afterwards was crystallized into law, we made age a disability, and we have been granting pensions, first under that order and next under the law, to men who had reached certain ages without any reference to whether they had incurred any disabilities in the service or whether any special disabilities existed when they reached that age.

Now it is proposed that we shall differentiate as between those various classes and grant pensions at varying rates because of the matter of age. The present bill contemplates that we shall grant pensions at the rate of \$12 per month to all soldiers of the age of 62 years, whether they incurred disabilities or not or whether they are sick or not; to all soldiers who have reached 70 years, \$15 per month, and to all who have reached 75 years, \$20 per month. It is that feature of the bill to which I am inclined to object. I am fully persuaded that if we at the present time go as far as we have ever heretofore gone in the matter of a service pension and grant a pension of \$12 a month to all soldiers who served during the civil war, irrespective of

age or physical or financial condition, we will be dealing with extreme generosity and, I think, in a more wise manner than is proposed in the bill under consideration.

I do not know how much that would cost at the present time. As I have before stated, the First Deputy Commissioner of Pensions, who is a very careful man and knows about the Pension Bureau, I think, quite as much as any other man connected with it, one year ago gave an estimate that it would cost over \$15,000,000. The old soldiers are dying off very rapidly; we all know it will not be many years before there will be but a remnant of them left; and for that reason there is no man in public or private life who has a greater desire to do equal and exact justice to those men and to deal liberally with them than I have. But if it will cost, say, \$12,000,000 a year for the next five or ten years, as it probably will, to increase these pensions to \$12 per month, which is the highest rate ever given in a service-pension bill in the history of the Government, it seems to me we would be doing quite as much as we ought to be asked to do at the present time.

I wish to say to the Senator from North Dakota that while this body has always dealt generously with propositions of this kind when they have come before it, a bill does not end here, and I think he would be much more likely to secure what he has at heart—the relief of these worthy soldiers—if he amended his bill so as to make it a service-pension bill at \$12 a month than he will if he keeps in it these different rates at different ages. If the Senator himself does not come to the conclusion that it is wise so to amend it, I may offer such an amendment and submit it to the consideration of the Senate before the bill is finally voted on.

Mr. President, I am not here in antagonism to this bill. I want that to be distinctly understood. Had it not been for the act of June 27, 1890, which granted pensions to every soldier who served ninety days, without regard to disability incurred in the service, under which almost a billion dollars has been paid out, I myself should have advocated a service-pension bill when I occupied the honorable position as chairman of the Committee on Pensions, which is now so well and ably filled by the Senator from North Dakota. But the fact that these men have been drawing this money all through these years, while the men who served faithfully and for a longer time than they, who incurred disabilities, who went on the pension roll because of those disabilities, are, many of them, getting only \$6 a month at the present time, was and is an obstacle that I could not overcome; and the further fact that a proportion, I think as large as 80 per cent, of the increased pensions that will be paid out under the bill which is now under consideration, if it shall become a law, will go to these same men, makes me hesitate to regard it as a wise and discreet measure.

Mr. President, I wish to do all I can for the survivors of that great war; I want to go to the point of extreme generosity; but I feel that we may in our interest and zeal for them possibly go beyond what is equal justice as between different classes and as between them and the soldiers who have fought the other wars of our country.

Mr. McCUMBER. Mr. President, for my own part the fact that 70 or 80 per cent of the increased appropriations would go to those who are now drawing pensions under the 1890 act would not in the slightest degree influence me in still insisting that the bill ought to be passed. Who are these men who are drawing pensions under the act of 1890? For the most part they are men who had the hardihood not to go into the hospitals upon every little sickness, and, therefore, had no hospital record to make a basis for the claim that any disease was incurred during service.

Mr. President, it is so difficult to determine accurately that any of the ills of life with which the great army of survivors is suffering was of service origin, other than those that relate directly to wounds, that I have never had a great deal of faith in the service origin of most of the diseases. Although a soldier could not prove that his disability was of service origin, because he had no hospital record to fall back on, and therefore could not secure a pension, while another who possibly had a little hospital record to fall back upon did secure a pension, I believe the case of the former is equally meritorious and ought to be considered. The question with me that is more important than any other is whether he was a good and valiant soldier; whether he performed all of the duties that were required of him during those years of service. If he did, then he is entitled, in my opinion, to the benefit of a service-pension law. Every soldier who received wounds or who can establish the service origin of his disability will get his pension under another and different law.

Mr. President, it seems to me scarcely proper to take the

meager pension which is granted to soldiers of the Revolution as any basis whatever for what should be granted by the Government in its present condition. The Senator will remember that the per capita circulation of money in the country at that time was less than \$4, while to-day it is about \$33. He will remember also that the wealth of the country has increased not by the hundredfold, but by the thousandfold since that time. We are better able to-day to pay what this bill will require—far better able, a hundred times better able to pay it—than was the country able to pay the meager sum that was doled out to the soldiers of the Revolution. Our duty, I say, is somewhat commensurate with our ability to pay those soldiers, so that in their declining years they may at least have the comforts of life.

Mr. President, the Senate has already passed a bill granting to the soldiers of the war with Mexico \$20 per month. The Senator from New Hampshire [Mr. GALLINGER] says they are old men, mostly above 75 years of age at the present time. The \$20 a month that we propose to grant to soldiers under this bill will go only to men who are over 75 years of age. The amount is granted to the soldier of the Mexican war irrespective of his disability. Therefore the same amount should be granted to a soldier of the civil war of practically or nearly the same age, irrespective of his ability to prove that any derangement or ills of which he is suffering are of service origin. I have never, myself, had very much regard for any per diem pension. The man who served thirty days often saw more service and harder service than the man who served two years, and therefore it would be unequal and unjust to make per diem service the basis of any pension.

Mr. President, just taking this bill as the Senator has read it, we granted to the survivors of the war with Mexico, at the age of 62 years, the sum of \$8 per month. We afterwards raised it to \$12 per month. What objection, then, can the Senator have to granting to the men who served in the civil war, at the same age, 62 years, the sum of \$12 per month? Twelve dollars per month now is not more than \$8 per month was when we first granted to the soldiers of the war with Mexico their \$8 per month.

Then, again, taking the next period of 70 years, the Senator understands, as we all understand, that senility advances more rapidly between 70 and 75 than it does between 62 and 70, and therefore the greater the reason for granting the extra amount of pension.

Mr. GALLINGER rose.

Mr. McCUMBER. Right here, before I yield to the Senator, I call his attention to the fact that we pass during a session three or four thousand special pension bills, generally granting pensions at about \$30 per month. Most of those soldiers, who are in indigent circumstances, would to-day, under the same rules that we apply in private pension bills, receive probably \$24 to \$30 per month. Therefore, by a general bill we ought to reach them in such a manner that only those in the most indigent circumstances will hereafter apply for relief by special bill.

Again, I call the Senator's attention to the fact that probably if these men who are 75 years of age should receive \$20 they would not apply for the other \$10 per month by special bill. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Is the Senator from North Dakota through?

Mr. McCUMBER. I yield the floor.

Mr. GALLINGER. Mr. President, I rose to ask the Senator if I correctly understood him to interrogate me as to why I objected to granting a pension of \$12 per month to soldiers of the civil war at the age of 62. I do not object to that at all, I will say to the Senator, and I must have been extremely unfortunate in the observations I made on that point if there can be any mistake as to my attitude.

Mr. McCUMBER. To be strictly correct, my query was not directed to the Senator to be answered, but was merely an inquiry as to what reason there was for denying the soldier of the civil war 62 years of age \$12 per month when we granted practically the same to the soldier of the war with Mexico—only \$8, of course, in the first instance—and I desired to call attention to the parallel along each of those ages.

Mr. GALLINGER. I have no objection, I will say to the Senator and to the Senate, to granting pensions to soldiers of the civil war 62 years of age at the rate of \$12 per month, notwithstanding that rate was not granted to the soldiers of any other war, except the war with Mexico, and that only three years ago.

The Senator from West Virginia [Mr. SCOTT] and the Senator from North Dakota [Mr. McCUMBER] both have laid stress on the fact that this bill will decrease the private pension bills. Mr. President, I am not going to enter into the realm of prophecy to-day, but I will venture a suggestion, that I do not claim is

prophetic, that the bill will have no such effect. We will have the same grist of pension bills to grind that we have had during the past ten years particularly, and it will increase, in my judgment, from year to year. I have never interposed any objection to it, and I certainly shall not in the future.

Mr. President, I rose merely to move an amendment to the bill, which is purely one of verbiage. On page 3, lines 7 and 8, I move to strike out the words "Pension Office" and insert "Bureau of Pensions."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. On page 3 of the bill, in the proposed amendment, strike out the words "Pension Office" and insert in lieu thereof the words "Bureau of Pensions."

Mr. McCUMBER. There is no objection to the amendment.

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. In line 11, on the same page, I move the same amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 11, page 3, strike out "Pension Office" and insert "Bureau of Pensions."

The VICE-PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. For the purpose of bringing the matter directly before the Senate—and I will say in advance that of course the will of the Senate after it has been expressed will be my will—I move to strike out in lines 3, 4, 5, and 6, on page 3, the words:

as follows: In case such person has reached the age of 62 years, \$12 per month; 70 years, \$15 per month; 75 years or over, \$20 per month.

And substitute the words:

at the rate of \$12 per month.

The VICE-PRESIDENT. The Secretary will state the proposed amendment to the amendment.

The SECRETARY. On page 3 of the proposed amendment strike out, in line 3, after the word "pension," the following words:

as follows: In case such person has reached the age of 62 years, \$12 per month; 70 years, \$15 per month; 75 years or over, \$20 per month.

And insert in lieu the words:

at the rate of \$12 per month.

Mr. McCUMBER obtained the floor.

Mr. GALLINGER. I do not ask that a vote shall be taken on the amendment to the amendment at the present time, if the bill is to go over.

Mr. McCUMBER. That is my understanding. It was the understanding that no vote would be taken upon this bill to-day, but that I would ask that it be made the unfinished business at some future time, whereby it might be taken up.

I ask unanimous consent that the bill be made the unfinished business after to-morrow; that is, the day after to-morrow. Of course it would not interfere with any appropriation bill, and I am sure that it will not be unduly pressed to take the place of anything else. I simply wish it so placed that we can call it up and have a vote on it in the near future.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the pending bill be made the unfinished business beginning on the 11th instant, not to interfere with appropriation bills. Is there objection to the request?

Mr. BURROWS. Mr. President, I am not entirely certain what the effect of such an agreement would be. If it is made the unfinished business from day after to-morrow, it might hold that place the balance of the session. I am not certain what the effect would be upon Senate resolution No. 142, which is a privileged matter, but I am inclined to think that an arrangement of that kind by unanimous consent would cut out the consideration of that resolution, which involves the right of a Senator to his seat. I shall therefore have to object, unless the Senator will except from his request Senate resolution 142.

Mr. McCUMBER. I should like to ask the Chair, for information, whether the result would be as is anticipated by the Senator from Michigan.

The VICE-PRESIDENT. It would be so, unless the Senate should by unanimous consent modify the agreement or by motion displace the unfinished business.

Mr. FRYE. Suppose the Senator from North Dakota simply asks that the bill be made the unfinished business on Friday next. Of course it can not take a great while to dispose of the bill. One morning ought to be sufficient.

Mr. McCUMBER. I will conform to the wish of the Senator from Michigan and will modify my request. I ask that the bill be made the unfinished business on Friday, at the close of the morning business.

Mr. GALLINGER. I will venture a further suggestion before the Chair puts the request. Some other bill by vote may be the unfinished business at that time. I think the Senator had better ask that it be taken up at the close of the routine morning business on Friday, and I am quite sure it will be disposed of.

Mr. McCUMBER. Very well, if the Senator thinks that it will be disposed of.

Mr. GALLINGER. I suggest to the Senator simply to make that request.

Mr. McCUMBER. Very well.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the pension bill be taken up for consideration immediately after the close of the routine morning business on Friday next. Is there objection? The Chair hears none, and it is so ordered.

SHOSHONE INDIAN RESERVATION LANDS.

Mr. CLARK of Wyoming. Is there anything before the Senate at the present moment?

The VICE-PRESIDENT. There is nothing before the Senate.

Mr. CLARK of Wyoming. I ask leave to report a bill from the Committee on Public Lands, and I request its immediate consideration. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 21202) fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same, to report it favorably without amendment, and I ask that the bill be put on its passage.

The Secretary read the bill; and there being no objection, it was considered as in Committee of the Whole. It provides that homestead entrymen on lands formerly embraced in the Wind River or Shoshone Indian Reservation, in Wyoming, which were opened to entry under the provisions of the act approved March 3, 1905, shall have six months after the date of filing upon their lands, or until May 15, 1907, to establish residence upon the lands entered by them.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS M. CURRIER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 6587) granting an increase of pension to Marcus M. Currier.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Marcus M. Currier, late musician, Company G, Eighth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GABRIEL CAMPBELL.

Mr. GALLINGER. The bill (S. 7295) granting an increase of pension to Gabriel Campbell is one of great merit, in which the Senator from Michigan [Mr. BURBOWS] takes an interest as well as myself. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Gabriel Campbell, late captain Company E, Seventeenth Regiment Michigan Volunteer Infantry, and to pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORSON B. JOHNSON.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 7384) granting an increase of pension to Orson B. Johnson.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orson B. Johnson, late of Company C, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WALTER D. GREENE.

Mr. KITTREDGE. I ask unanimous consent for the present consideration of the bill (S. 6823) granting an increase of pension to Walter D. Greene.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter D. Greene, late first lieutenant Company E, Thirty-eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE L. PIKE.

Mr. BULKELEY. I ask unanimous consent for the consideration of the bill (S. 6137) granting an increase of pension to Fannie L. Pike.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie L. Pike, widow of Calvin Pike, late of Company C, Seventh Regiment Connecticut Volunteer Infantry, and second lieutenant Company E, Seventy-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$15 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENOCH BOLLES.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 6145) granting an increase of pension to Enoch Bolles.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Enoch Bolles, late of Company I, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELI M. SKINNER.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 6656) granting an increase of pension to Eli M. Skinner.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Eighteenth," to insert "Second Battalion;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli M. Skinner, late of Company D, Second Battalion, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. HOLSEY.

Mr. KITTREDGE. I ask for the present consideration of the bill (S. 6823) granting an increase of pension to John H. Holsey.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Holsey, late of Companies H and C, Twenty-third Regiment Illinois Volunteer Infantry, and Com-

pany D, Twenty-second Regiment United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 5133.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I do not know whether other Senators desire to discuss the unfinished business to-day or not. I have not been advised in respect to that. I have some matters which I desire to present in order that they may be printed in the RECORD, and Senators have an opportunity to examine them before the vote is taken upon the bill.

The measure is one, Mr. President, of very great importance, not only to the railroads and to the men employed in their service, but it is of vital importance to the public. Because of its importance to the public, I endeavored to secure its consideration and passage by the Senate at the last session. I realize, from such study as I have been able to make of this subject, that the hours of continuous service of the men in the employ of railroads is a matter which bears directly upon the quality and character of that service. Realizing that, I felt warranted in urging with some persistency the consideration of this measure.

I think, from such information as I have been able to gather, that the railway employees were among the first to urge the consideration and enactment of legislation of this character. At the last session I presented, during the consideration of this bill by the Senate, the petitions of organizations of railway employees representing, as I now remember, forty-three different States of the Union. I think perhaps I stated (I know, if I did not state it, I was cognizant of the fact) that there were some railway employees who have to do with the moving of trains who did not approve of this legislation. I thought at that time, and I still believe, that the number of railway employees opposed to this legislation is very limited.

Some of the railway employees have been persuaded that this bill if enacted into law would inflict hardship upon them. There is no just reason for this belief. I am confident that, excepting as they have been thus persuaded, those of the railway employees who oppose this legislation oppose it because they desire to make a large earning, month by month, without due regard to the quality of the service rendered to the public.

That this may be more clearly understood, let me say it is my understanding that, west of the Mississippi River particularly, the employees of railroads engaged in the moving of trains are paid upon the mileage basis. The number of miles those engaged directly in moving the trains make per month increases their monthly pay. In this, as in every other service, there are those who are overanxious, from one cause or another, to make a large earning for each month and who are not always considerate of the risks which they may take themselves and the risks which they may inflict upon the public, who are directly concerned in the safe, or the reasonably safe, movement of the trains.

I am not unmindful of the fact, Mr. President, that during the present session quite a number of protests against this legislation have been received by Senators from railway employees. Some have been presented to the Senate, some have not been presented to this body. I believe, sir, that the railway companies have exerted themselves to secure from the employees a disapproval of this legislation. I need not enlarge, sir, upon the readiness with which it is possible in that service to in some measure coerce the judgment and the action of those who are working for railroad companies.

The Senator from Wyoming [Mr. WARREN] presented some letters, which were printed in the RECORD of yesterday, making protest against this legislation. I have been advised by other Senators of the receipt, upon their part, of letters from railroad employees in their respective States urging opposition to this bill. I have here, sir, a communication from a member of one of the railway organizations of this country. I will not give the name of the writer of this letter nor will I locate the lodge or the order of which he is a member. I will submit the letter very cheerfully to the examination of any Senator on this floor who may desire to see it. This letter is addressed to Mr. Fuller, the legislative representative of the railway organizations of

this country, who, I think, for some seven or eight years, has been in attendance upon the sessions of Congress. It is dated January 7, 1906. It was received but a few days ago, and since January 7, 1907. It reads as follows:

Mr. H. R. FULLER.

DEAR SIR AND BROTHER: The inclosed unsigned resolutions were handed to one of our members by Mr. E. T. Lamb, division superintendent of the Southern Railway, with a request that our division endorse the same. But we are not doing it with a rush. I am directed by my division to send the same to you to find out more particulars in reference to the same.

Will you kindly let us have this information at your earliest convenience, as would like to have it by our next meeting, Sunday, the 13th.

Yours, fraternally,

I think, Mr. President, that I will read into the RECORD the inclosed copy of resolutions which accompanied this letter, and which were received by Mr. Fuller, who placed the letter and the resolutions in my hands:

Whereas the nature of the railway business imposes conditions little understood by the general public, among them the fluctuations in train movement from week to week, month to month, and season to season, which create corresponding variations in the quality of train service required and consequently in the demand for the labor of trainmen; and

Whereas the efficient handling of the public business entrusted to interstate railway carriers requires the arrangement of the runs of train crews so that in many cases the distances covered can not always be traversed when conditions are at all adverse within sixteen hours, and this is especially true of what are known as "turn" runs, which, however, are universally preferred by train crews because they permit the layovers to be spent at their homes, with increased comfort and reduced expense; and

Whereas the restriction of the hours of labor by imposing a statutory maximum of sixteen hours, with exceptions only in case of casualties occurring after the run begins, would require the railways to keep upon their pay rolls a greatly increased number of men to handle the traffic at the period of its greatest volume, but many of whom would be idle much of the time during most of the year, and would thus greatly reduce the average annual earnings of all classes of trainmen: Now, therefore, be it

Resolved, That we, members of ———, condemn any legislative proposal for the restriction of the number of hours during which railway trainmen shall be permitted to dispose of their labor, and that we especially protest against the passage of the bill known as S. 5133, introduced by Senator LA FOLLETTE, or any similar measure; and

Be it further resolved, That these resolutions be forwarded to the Senators and Members of Congress from the State of ———, to the chairman of the Committee on Education and Labor of the United States Senate, and to the Speaker and the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives.

With two blank lines for signatures.

I am of the opinion, Mr. President, that Senators will readily understand, from the character of those resolutions and from their source, that in large part the opposition to this legislation, as presented by railway employees, is inspired, not to say commanded. That this set of resolutions is purposed to be used in more than one State is entirely apparent from its construction, and that the railroad companies of the country have been very busy moving upon their employees since the adjournment of last session need scarcely be stated. That railway employees of the country should be concerned for the adoption of a statute which would afford them some protection against excessive hours of labor being required of them seems to me reasonable and natural, and that without any solicitation upon my part, and so far as I know without solicitation upon the part of anyone, I was able to present to the Senate, at the last session, scores and scores of petitions, representing the great organizations of railway employees of this country, emanating from forty-three of the States of this Union, is quite conclusive to my mind, sir, that, left to themselves, the railway employees of this country would, excepting for such rare exceptions among their number, represented by those who are somewhat reckless with respect to the peril which they incur themselves in running beyond a reasonable limit of hours and who are overeager to increase their earnings—excepting as to these, I believe that the great body, the overwhelming majority of the railway employees of the country are at heart for this legislation. One need but examine the record of accidents, reported to the Interstate Commerce Commission by the railway companies of the country under the act adopted in 1901, to find ample cause for the railway employees of this country to favor the legislation proposed in the pending bill.

I have here a record of those cases reported by the railway companies of the country under the act of 1901 to the Interstate Commerce Commission. The accidents set forth in this record are limited to those in which the reports disclose that the hours of service of the railway employees engaged in or having to do with the movement of the trains extended over a period of more than fifteen hours. This table, as I have said, covers all cases of accident in which the railroads reported more than fifteen hours of continuous service from July 1, 1901, to and including the month of September, 1906.

In this table, which I shall ask to have incorporated in my remarks and printed in the RECORD, is stated the character of the accident, whether it was a collision or a derailment; whether individuals were killed or injured; the personal injuries; the damages; the cause of the accident; the hours of duty of those engaged in the movement of the trains or having to do with the movement of the trains, and the hours of rest which these men had immediately preceding the trip during which the accident occurred.

With respect to the statement of the cause of the accidents incorporated in this table, Mr. President, I desire to be clearly understood in saying that the language which assigns the cause is not the language of the compiler of the table, but is the language of the railroad company making the report. Therefore, I think no one will be inclined to question the accuracy of the statement of the cause; at least no one ought to assert that it is in any way prejudicial to the interests of the railway companies.

I shall not take the time of the Senate, sir, to go into this table very fully, but I will briefly run over the pages and call attention to a few of the cases reported in this table, because it seems to me they are pertinent to the consideration of the pending bill.

In one of the first or earlier cases reported in this table I find this entry: "Collision. Engineman asleep; hours on duty, 17; hours of rest preceding the service"—which was interrupted by this accident—"hours of rest, 2." That is, this engineer who fell asleep upon his engine had been seventeen hours on duty, and had gone on duty—had been called by the company to go out upon his engine—after having had only two hours to rest following the preceding service.

Another: "Collision. Train not under control" is stated as the cause of this collision. "The hours on duty, 42." No statement accompanies this report by the company showing that there had been any rest accorded to those in charge of that train immediately preceding their call to go upon this duty.

Another: "Collision. The engineman dozing; 17 hours on duty," and with only six hours' rest immediately preceding his call to this service.

Another, resulting in the killing of one man, the cause being stated as follows: "Signalman went back to flag; fell asleep; 20 hours on service." No previous hours of rest reported.

Another, resulting in collision: "Engineman asleep; twenty hours on service." He had had twenty hours of rest immediately preceding his service; but it needs no statement of mine, sir, to remind anybody seriously considering this subject that no man is physically capable of rendering any service to which responsibility is attached when he has been twenty hours in continuous service, I care not how long a rest he had preceding that service.

Another case, resulting in collision; cause reported by the railway company: "Flagman neglected to flag; hours on duty, nineteen." It is not very strange, Mr. President, that he neglected to flag.

Another, resulting in collision: "Engineman dozing; twenty hours on service." Twenty hours on duty, following twenty-four hours of rest.

Another, resulting in collision: "Engineman mistaking signals." This poor fellow had twenty-seven hours on duty, after nineteen hours of rest. It would have been strange, Mr. President, if he had been capable of understanding signals with twenty-seven hours of continuous service.

Another, resulting in collision: "Engineman going to sleep; fifteen hours on duty, with five hours of rest immediately preceding the call for that service."

Mr. President, I pause for a moment to say that while this bill limits the service to sixteen consecutive hours I would be glad indeed, sir, to see adopted a bill with a much shorter limitation. Whatever rest may be allotted to one preceding sixteen hours of continuous service it is hardly rational to expect from that man a full and complete command of all his powers; and, sir, if there be any service in which men engage where the concentration of all the faculties, where the greatest alertness of the mind, where the largest possible reserve of vitality are absolutely essential to the discharge of that service it is surely in this very important work of conducting the trains which carry the passengers of this country upon the railroads.

I cite another case from this record, following very closely upon the heels of the one last submitted, which resulted in collision in which there was loss of life and injury to persons: "Train orders overlooked." Twenty-two hours on service, with three hours of rest immediately preceding the call to duty on the part of the men engaged in running the train.

Another, where the cause is stated as follows: "Engineman

falling asleep." Twenty hours on service, following twenty-one hours of rest.

Another, where the cause of the trouble is stated as follows: "Train standing on siding; trainman, sleeping, fell from the engine." Twenty-five hours on duty. Had twenty-four hours of rest preceding that call to duty.

Another, where the conductor went back upon the track to flag, sat down upon the end of a tie, went to sleep, and was struck; twenty hours on service, following nine hours of rest.

Another: "Trainman sent out to flag; fell asleep on track; struck by a passing train." Sixteen hours on duty; no hours of rest preceding this call to duty reported.

Another: "Brakeman sent out to protect train; sat down on end of tie, and went to sleep; struck." Seventeen hours on duty; no hours of rest reported.

Another: "Brakeman out flagging; went to sleep sitting on end of tie; hand lamp hidden from view; struck by relief train." Sixteen hours on duty; no hours of rest reported.

Another, resulting in collision, cause stated: "Engineman using poor judgment by stopping on a curve." Forty-three hours on duty; no rest reported previous to this call to service. It is not to be marveled at, Mr. President, that this man exercised what is termed by the company reporting this case as "poor judgment."

Mr. BEVERIDGE. What road is that?

Mr. LA FOLLETTE. Answering the question of the Senator from Indiana, I will say that this table, as prepared, does not, for manifest reasons, state the names of the companies. This information, under the law requiring the companies to report, is received by the Interstate Commerce Commission, and is in a measure in the nature of a confidential communication—that is, to this extent: That it is not to be used in such a way as to subject the company to litigation. If the table so prepared contained the statement of the names of the companies in this case, it might result in the violation of that statute. They are not here given. I will state, however, Mr. President, that I think I have a copy of the record here, which will verify each one of these statements, which I have in my possession temporarily and which I will show personally to any Senator who would care to see it.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Certainly.

Mr. BEVERIDGE. I want to assure the Senator from Wisconsin that my inquiry from my seat was not because I had any doubt of the accuracy of these reports. The reason I asked the question in the particular example given was that I was shocked, as I am sure every Senator here was who heard it, that any road would be capable of keeping any man on duty forty-three hours without rest. I should be very glad, if it were possible, to have a road that would subject men to such inhuman treatment known to the American people.

Mr. LA FOLLETTE. It is but just, Mr. President, to say, in response to the statement of the Senator from Indiana, that some cases to which I will call attention, where I think the hours of service extended over as long a period of time as in this case which excites the indignation of the Senator from Indiana, are cases where the men are responsible, apparently, from the statement given here, so far as the initiative is concerned, for such extended hours of service. I say that, Mr. President, to emphasize the point to which I adverted briefly earlier in my remarks, that we can not always trust this matter to the pleasure of the railway employees themselves. Some of them are so anxious to extend their runs within the month and so desirous of adding to their earnings that they will take great risks themselves and inflict upon the public very great risks in so doing.

Following the case last reported is another, resulting in collision, where the cause stated by the company is as follows: "Engineman asleep and running by board." I take that to mean some signal that should have arrested him; but he had been twenty hours on duty, as shown by this statement.

Another, resulting in collision, stated as follows: "Engineman failing to have engine under control approaching protected water station." But he had been nineteen hours on duty.

Another, resulting in collision: "Engineman of one train asleep;" eighteen hours on duty; three hours of rest immediately preceding that call to duty. "Conductor and flagman of approaching train also asleep;" thirteen hours of duty, preceded by only seven hours of rest.

Another, resulting in collision, where the cause is stated by the railway company as follows: "Responsibility rests with engineman and conductor for running train at high speed in

block entered under caution signal." Thirty-four hours on duty; fourteen hours of rest preceding this call to service.

Another, resulting in collision: "Failure of engineman to obey order" is stated by the railway company as the cause; but this man had been twenty-four hours on duty with no rest reported preceding this call to service.

Another, resulting in collision; cause, as stated by company: "Train not under control; engineman and brakeman responsible." Nineteen hours on duty, with only eight hours of rest preceding.

Another, collision, the cause stated by the company as follows: "Failure of engineman to comply with rules requiring all extra trains to approach side tracks under control." Nineteen hours on duty; only ten hours of rest immediately preceding.

Another: "Brakeman struck by bridge and knocked off tender of engine; instantly killed." Twenty-one hours on duty.

Another: "Brakeman sent out to flag train sat down on end of tie and fell asleep." Twenty-three hours on duty; no rest reported.

Another: "Failure of engineman to stop train in time to avoid rear collision." Twenty-three hours on duty.

Another: "Failure to protect rear end of train by flag; conductor and engineman responsible." Thirty hours on duty; only eight hours of rest preceding this call to service.

Another, resulting in collision; cause stated by the company: "Engineman running train through yard not under control." But he had been twenty hours on duty.

Another: "Failure of conductor to properly protect his train." Twelve hours on duty. The conductor of the other train, as stated by the company, "failed to have engineman reduce speed." Twenty-two hours on duty.

Another: "Engineman going to sleep on duty and allowing train to approach a wreck at high speed." He had been fifteen hours on duty without any previous rest since his last preceding call, so far as reported by the company.

Another: "Engineman asleep; did not stop train in time." Twenty-two hours on duty.

Another, collision: "Both engineman and head brakeman asleep when passing switch." Nineteen hours on duty.

Another, resulting in collision: "Engineman on rear extra did not have train under control approaching end of double track." Twenty-four hours on duty.

Another, resulting in collision: "Engineman did not have his train under control approaching derail." Twenty hours on duty.

Another, resulting in collision: "Engineman falling asleep." Nineteen hours on duty, only five hours of rest immediately preceding.

Another, resulting in collision: "Engineman fell asleep approaching tunnel." Twenty hours on duty. No rest immediately preceding his call to duty is reported by the company.

Another, resulting in collision: "Train not properly protected; conductor, brakeman, and engineman at fault." Twenty-two hours on duty. Seventeen hours of rest preceding.

Another, resulting in collision; cause stated by the railroad company: "Engineman asleep; had made two straight double runs previous to this on account of shortage of men; record good." Forty-eight hours on duty. Only six hours of rest.

Another, collision; cause stated by the company: "Engineman dropping to sleep after he had been flagged; was on his fourth trip and had had but two hours' rest at end of each; was not required to make so many continuous trips, but desired to earn the additional wages." Forty-five hours of service.

It seems to me, Mr. President, that cases like that to which I have just called attention are a sufficient answer to the claim made by nearly every Senator who opposed this legislation at the last session, that this matter of the regulation of the hours of service was something that ought to be left to the parties directly interested, to wit, the railroad companies and the men; that they could settle and determine it best by contract, and that almost all the roads of the country had entered into contracts which provided ample protection to the public in this respect. Even where such contracts exist they are constantly violated, not only by the companies, but also by the men. In many instances the contracts provide that the men may overrun the limit fixed in the contract when they desire to do so, or, to state it differently, the limitation is not enforced excepting as the men invoke its protection.

It is hardly necessary to add, Mr. President, that the desire on the part of the railway employee to have a good standing with those who are immediately in authority over him, those who issue the calls for him to go on service and who have to do directly with his promotion, if he succeeds in securing promotion—it is hardly necessary for me to say that the desire on the part of these men to have good standing with and to secure a

favorable report from those in authority who call them into service will inevitably force men, even against their will, against their better judgment, to comply with every call that is made. It would be rare indeed, I believe, to find cases where men have refused, whatever may be the contract with the company, to go into service no matter how exhausted and wearied they may have been by previous service.

I call the attention of the Senate to another case resulting in collision. The cause as stated by the company is as follows: "Freight train standing on track without protection; flagman in caboose asleep; conductor and flagman responsible." Twenty-two hours on duty, with twelve hours of rest preceding.

Another, collision; the cause assigned by the company: "Conductor and engineman of extra freight train disregarded orders." They had, however, been on duty for twenty-one hours. Preceding this call to duty they had a full period of rest. This only emphasizes the fact that whatever rest may be given these men prior to their call to duty the term of the hours of continuous service should be limited if they are to be protected or if the public is to be accorded any protection.

Another case reported is as follows: The cause of this injury was "watchman sitting on ends of ties asleep; struck by train." Twenty-one hours on duty without any previous report of hours of rest.

Another case, where the cause stated by the company is this: "Freight brakeman sent back to flag, sat down on rail and is supposed to have gone to sleep; struck and killed." Nineteen hours on duty.

Another, collision: "Failure of brakeman to have his train move into track carefully, so as to be prepared to stop promptly." Twenty hours of service; twenty hours on duty, with only three hours of rest immediately preceding this call to service.

Another case: "Failure of crew to flag and of engineman to keep lookout." Twenty-one hours of service.

Another, collision: "Extra train passed red Hall signal; flagman asleep in caboose." Twenty-one hours on duty.

Another case reported: "Yard trainman lying on main track asleep; struck and run over by passenger train." Twenty-two hours of duty; only five hours of rest immediately preceding this call to duty.

Another, collision: "Rear-end collision on account of engineman not keeping his train under proper control; did not handle air brake properly." But he had been nineteen hours on service without any rest preceding this call to service.

Another, where the switch tender is reported as "failing to close the switch." He had been eighteen hours on duty without any rest reported prior to this call to duty.

Another, where the cause of the collision is stated as follows: "Work extra on the time of extra train, which was running on schedule; conductor and engineman responsible." Twenty hours on duty; only six hours of rest preceding that call to duty.

Another, resulting in injury: "Fireman on freight train dropped off to sleep and fell, striking his head on deck of engine cab." Twenty-two hours on duty; no rest reported.

Another: "Brakeman sent out to flag discovered sitting on end of tie; struck and knocked off before train could be stopped." Nineteen hours on duty; no rest reported.

Another, where the case is stated as follows: "Freight brakeman sent back to flag fell asleep while sitting on rail; struck and killed by engine; fog prevailing." Twenty hours of service, with only seven hours of rest preceding. Possibly if the fog had not been prevailing the engineer who struck him might have seen him and stopped his engine, unless he, too, had been on service for the same length of time or longer.

The following, reported in this table, Mr. President, are cases which have occurred since the close of the last session of Congress.

Mr. OVERMAN. What period is covered by the cases the Senator has cited?

Mr. LA FOLLETTE. In answer I will say that the entire table from which I have read covers the time from July 1, 1901, down to and including the month of September, 1906. I will put it in the Record. It embraces only such cases reported where the hours of service were at least fifteen or more. Some twenty-one cases of accident have occurred, as here reported, since Congress adjourned. I have no doubt, Mr. President, and I do not believe anyone will have who examines these reports, that at least twenty of the twenty-one accidents would have been averted had the bill which is pending to-day been enacted at the last session of Congress and the hours of limitation upon service enforced.

From the remaining twenty-one cases I will quote only briefly. I call attention to one case where the cause reported is as follows: "Brakeman, while his train was on siding waiting for

passenger train to pass, sat down on main track and went to sleep; struck and killed by passenger train." He had been eighteen hours on service.

Another, resulting in collision; cause stated by the company as follows: "Engineman overlooked his order and ran by meeting point." Thirty-nine hours of service. Nine hours of rest reported immediately preceding this call to service.

Another, resulting in collision; cause stated by the company: "Chain broke on a crippled car in train; flagman left the rear end to inform conductor; in his absence rear end ran down grade, owing to insufficient number of brakes being set up; head end collided." Thirty-one hours in service; only two hours of rest preceding the call to duty.

Another, collision: "East-bound freight collided with rear end of extra east-bound freight, due to crew of extra not flagging"—twenty-two hours of service—"and crew of freight train following not exercising proper caution, knowing the extra to be ahead." But they had been on service nineteen hours.

Mr. President, I shall ask leave to have printed in the RECORD the entire table from which I have read.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The table is as follows:

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.				
1				\$400	Train not under control entering yard and no lookout on head car.	22	6
1				900	Carelessness of engineer in disregarding flag.	16	18
1		1		700	Freight train standing on main line without being protected by flag.	15	
1				500	Train backed out of siding and struck another train, account of conductor neglecting his duties.	19	6
1				500	One train running into rear of another train standing on main line not properly protected, as per rule.	16	12
1				300	Engineman falling asleep.	18	
1				700	Rear brakeman falling asleep and failing to flag other train.	17	
1				728	Flagman failed to go back with danger signals to protect his train.	15	24
1				500	Carelessness of conductors and enginemen in putting train in on siding.	18	12
1				1,246	Negligence of enginemen in charge of double header not observing train on track.	15	
1				2,300	Failure of rear brakeman to go back and properly protect train, and excessive speed.	18	3
	1			300	Brakeman unable to get switch properly adjusted.	16	9
	1		1	760	Engineman falling asleep.	17	2 wks.
	1	3	2	13,803	Train getting beyond control on down grade.	16	31
			1		Hot cinder in eye	19	
1				1,500	Engineman not having his train under proper control.	21	12
1				400	Engineman asleep	17	2
1		3	7	5,000	Train getting beyond control while running at high speed.	25	
1			2	3,250	Failure to close main line switch.	18	9
1				600	Train not under control.	42	
1				800	Engineman dozing.	17	6
1		1		287	Flagman not being back.	19	
1				600	Engine, running for water, was backed by engineman into a train.	16	9 days.
1				229	Failure of head brakeman to take stop signals from rear brakeman and transmit same to engineman.	15	
1				1,000	Carelessness of trainmen, in neglecting to secure rear portion of train.	15	17
1				3,900	Engineman lost his bearings on account of heavy fog.	17	
1				200	Only 23 cars out of the 52 in train were working with air.	17	
1		2		100	Failure of conductor	15	8
				\$2,300	Conductor's failure to observe rule regarding a superior train.	15	8
1				300	Too high rate of speed and not under proper control.	15	
1			2	150	Failure of switchman and foreman of switch engine.	5	48
1				620	Engineman's failure to observe rule regarding superior train.	15	48
		1			Signalman went back to flag; fell asleep.	20	
		1			Struck on head by timber while coupling cars.	15	
1				2,500	Flagman not back proper distance.	23	
1		1	1	300	Failure of engineman to respect signals.	18	24
1			1	67	Freight train occupying main track on time of passenger train.	17	9
1			3	800	Failure of a head brakeman to deliver a train order to engineman.	18	24
1		1	15	1,760	Flagman, sent ahead to set switch to side track, went to sleep.	15	7
1				200	Engineman asleep	20	20
1			4	1,066	Error of train dispatcher and failure of conductor to have his train protected by flagman.	18	7
1				2,200	Engineman dozing	15	26
1				876	Failure to protect train as required by rules.	18	36
	1		1	850	Soft track, due to heavy rains.	15	12
	1		2		Engine and caboose, backing up, struck cow.	15	6
1				400	Flagman neglected to flag	19	
1			18	900	Brakeman leaving switch open.	15	28
1				500	Engineman dozing	20	24
1			1	330	Failure of engineman to control train while running under a green block.	20	19
1				300	Engineman mistaking signals.	27	19
	1			350	Failure of engineman to stop to avoid hand car on track.	24	12
1				173	Failure of engineman to set air in time to stop.	15	12
1				400	Train occupying main line unprotected.	17	24
1				1,017	Failure of engineman	19	18
1				415	Engine without lights except classification signals.	18	
1				200	Failure of engineman to protect himself while running within yard limits, as required by rule.	16	
1				900	Engineman going to sleep.	15	5
1			3	1,500	Engineman not using proper precaution in approaching station, and improper flagging.	15	7
1				600	Failure of engineman to see open switch.	15	
1				900	Conductor and engineman claimed they made a mistake of five minutes in looking at their watches.	20	18
1			1	2	Train order overlooked.	22	3
1				240	Helping engine followed train too close.	22	
1				1,615	Engineman not having his train under proper control in yard limits.	18	24
	1			247	Brakeman threw switch for main track instead of side track.	16	9
	1		23	4,000	Front trucks of refrigerator car left track; cause unknown.	18	
1				400	Conductor allowed cars to stand on spur without permission or protection.	21	
1				173	Failure of brakeman to set brakes.	15	11
1				200	Crew not keeping proper lookout.	22	
1				1,321	Flagman failed to get out proper distance; high speed.	12	
1				200	Engineman running at high rate of speed through yard.	23	28
1				404	Engineman ran by switch; heavy fog.	17	

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.	Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.							Killed.	Injured.				
1				\$600	Carelessness of engine- man.	19	72				1		Fireman assisting to take down the side rods of engine; left foot mashed.	17	10
1				633	Failure to display lights.	22	36						Engineman using poor judgment by stopping on a curve.	43	
1				6,000	Failure to notice that switch was not properly adjusted.	17	22	1				\$255	Engineman asleep and running by board.	20	24
1			1		Engine ran into side of train while pulling out of siding; fault of en- gine-man.	26	17	1				300	Failure of engine-man to control train (freight) with air brakes; ex- tremely cold weather.	17	
1		2	3	1,100	Engine-man forgot his in- structions to get an or- der to meet another train.	15	9		1			11,500	Engine-man not having engine under control.	15	37
1			1	875	Engine-man not having his train under control.	20	10	1				200	Failure of brakemen to control cars that were being shifted.	20	33
1			4	2,002	Train stopping in bad lo- cation and being im- properly protected.	16	18	1				704	Extra freight train head- ing into yard collided with cars standing on track; fault of engine- man.	15	12
1				400	Failure of engine-man to run slower and exercise greater caution.	17							Crossing obscured by steam and smoke; engine-man also at fault.	16	12
1				285	Engine-man backing up without signal.	21	9	1				300	Engine-man failing to have train under con- trol approaching a pro- tected water station.	19	
1				200	Engine-man overlooking location of cars.	16		1			1	500	Failure of crew to pro- tect train.	10	17
11				340	Train standing on main line unprotected by flagman; weather very foggy.	12	15	1			2	350	Engine-man of one train asleep.	18	
1				1,750	Brakeman failed to flag train.	22	24	1			2	709	Conductor and flagman of opposing train also asleep.	13	7
1				1,900	Engine-man not having train under proper con- trol.	15	17	1			2		Train getting from un- der control of engine- man.	22	8
1				1,200	Engine-man falling asleep.	20	21	1				230	Couplers passing each other on account of de- pression in track 24 inches.	18	
1				325	Failure of both engine- men and rear brakeman.	18		1			1	243	Engine-man running train too fast within yard limits.	15	10
1			1	800	Engine-man failing to stop when flagged.	18	12		1				Failure of conductor to properly flag.	5	5
			1		Brakeman while coupl- ing had foot crushed.	17	35						Engine-man and fireman. Responsibility rests with engine-man and con- ductor for running train at high speed in block entered under caution signal.	33	13
			1		Trainman sent out to flag; struck by train.	17	8	1				173	Engine-man not having train under full con- trol and disregarding yard limit boards.	34	14
			1		Car derailed; brakeman jumped off.	17		1			9	810	Train crew disregarding instructions to thor- oughly inspect train before descending heavy grade; also rules as to the application of hand brakes in case of air failure.	15	21
			1		Train standing on siding; trainman, sleeping, fell from engine.	25	24	1					Engine-man failing asleep on engine and failing to notice position of target.	16	15
			1		Brakeman, sent out to flag, fell asleep on end of tie; struck by engine.	15	10	1				500	Engine-man not having his train under full con- trol.	16	24
			1		Flagman sent out to flag train; went to sleep on main track; struck by train.	15	10	1				1,800	Failure of engine-man to obey order.	24	
			1		Conductor went back upon track to flag; sat down upon end of a tie and went to sleep; struck.	20	9		1		2	5,602	Switch improperly set; conductor responsible.	18	24
			1		Engine-man lying on his side on a c. b. alongside track; struck by oil box on rear of engine ten- der.	15							Rear brakeman at fault; not out sufficient dis- tance to flag.	10	10
			1		Brakeman, while mak- ing coupling, struck by apron-hinge of car.	15	16		1			300	Train parted; cause not determined; conductor and rear brakeman not in proper positions.	15	24
			1		Trainman sent out to flag; fell asleep on track; struck by passenger train.	16		1			1	1,320	Crew asleep and failed to protect train.	16	15
			1		Brakeman sent out to protect train; sat down on end of tie and went to sleep; struck.	17		1				357	Engine-man failed to see cars ahead of him; valve on engine leaking steam and obscuring vision.	20	12
			1		Brakeman, out flagging, went to sleep sitting on end of tie; hand lamp hidden from view; struck by relief train.	16		1			3	290	Train parted; cause not determined; conductor did not have his men properly stationed.	15	10
			1		Brakeman running ahead to open switch, slipped and fell, striking left knee against end of a tie.	16		1				360	Failure of brakeman to properly protect his train by flag.	18	8
			1		Trainman lost his balance and fell to the track, engine passing over him.	17	27	1			1	1,200	Failure of rear brakeman, conductor, and station agent.	17	22
			1		Fireman's foot slipped, causing him to fall from engine and strike his head on rail.	25	10	1				285		14	10
			1		Conductor on top of train performing duties; sud- den stop caused to him fall.	19	22	1				332			
			1		Engine-man taking en- gine into yard; struck his head against lum- ber projecting from flat cars on siding.	22	18	1			1	75			
								1			1	15			

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.	Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.							Killed.	Injured.				
1				\$370	Engineman misjudging distance between train and engine, and backing into train too hard.	17	43	1		1		\$700	Train approaching station with cab windows closed and train not under control; engineman and brakeman at fault.	15	7
1		1		91	Train not under control; engineman and brakeman responsible.	19	8	1				1,400	Failure of conductor to properly protect his train.	12	14
1				200	Conductor permitted cut-off cars to go into siding without engine attached to control them.	19							Conductor of other train failed to have engineman reduce speed.	22	10
1				1,070	Failure of engineman to comply with rule requiring all extra trains to approach side tracks under control.	19	10	1		1	1	85	Engineman going to sleep on duty and allowing train to approach a wreck at high speed.	15	
	1		3	950	View obstructed by curve and darkness.	16	11	1				965	Engineman asleep; did not stop train in time.	22	24
1				1,500	Failure of flagman to go back far enough to protect rear end of his train.	17	13	1				670	Both enginemen and head brakeman asleep when passing switch.	19	25
1		5		1,200	Crew on local freight, endeavoring to make siding, failed to get all of train in.	15		1			1	247	Train being pulled by a switch engine to station struck by another switch engine; responsibility not fixed.	15	10
		1			Fireman while hooking fire mashed index finger.	18	12	1				1,800	Engineman on rear extra did not have train under control approaching end of double track.	24	12
					Brakeman jumped off engine, badly crushing leg; amputated.	16		1			1	800	Engineman did not have his train under control approaching derail.	20	(b)
					Fireman while hooking fire mashed right hand.	18	24	1		1	2	1,800	Engineman carelessly let engine run out at end of switch and foul main track.	18	(a)
	1				Brakeman struck by bridge and knocked off tender of engine; instantly killed.	21	20		1			2,200	Freight train left track, due to excessive speed.	19	11
		1			Brakeman, carrying coil of wire from car, stumbled and fell, striking his head on rail.	17		1				1,200	Engineman falling asleep.	19	5
					Fireman sitting at window of engine cab, with one hand holding hood outside; hood broke, causing him to fall off and strike head on a cattle guard.	15	(a)	1				1,585	Failure of engineman to properly handle air.	15	19
					Conductor, while making coupling, caught between platform and cars.	16	4	1				1,997	Enginemen could not see each other, on account of sharp curve in track, until very close together.	16	
		1			Brakeman sent out to flag train, sat down on end of tie and fell asleep.	23		1				365	Failure of crew to observe rule relative to not passing order board.	7	(b)
					Brakeman, sent out to protect front of his train, struck and fatally injured; heavy fog.	20	14	1		1	1	6,800	Crew on freight train attempted to make switch on too close time ahead of passenger train without proper protection.	18	(b)
		1			Engineman, on way to telegraph office, stepped in front of train; struck and killed.	17	12	1			1	75	Conductor of a work train not taking proper precautions to protect his train.	15	27
					Conductor jumped from moving train; back severely wrenched.	16	8	1				345	Engineman fell asleep approaching tunnel.	20	
		1			Fireman, attempting to get off his engine, slipped on icy steps and fell to adjoining track; struck and fatally injured.	22	14	1			7	400	Train being moved without protecting rear end.	17	7
1				500	Failure of engineman to stop train in time to avoid rear collision.	23	(b)	1				200	Engineman devoting his time to slight lubricator repair, instead of keeping proper watch while running through yard.	15	12
1				325	Failure to protect rear end of train by flag; conductor and engineman responsible.	30	8	1			1	53	Engine going to junction collided with yard engine.	15	3
1				825	Engineman running train through yard not under control.	20	12	1				1,750	Flagman going to sleep on side of track and failing to flag train.	15	
1				4,100	First extra passing switch into siding when second extra struck rear end; misunderstanding of engineman on second extra.	15	(b)	1				600	Train not properly protected; conductor, brakeman, and engineman at fault.	22	17
	1	2		2,491	Train running at excessive speed; brakes failed to take hold.	15	(a)	1				890	Engineman asleep; had made two straight double runs previous to this on account of shortage of men; record good.	48	6
1			1	650	Failure of conductor to set switch properly.	15		1				450	Drawbar pulling out of car, causing four cars and caboose to run back and collide with switch engine; conductor asleep.	15	2
	1			200	Conductor and flagman failing to give stop signal at the proper time.	17	20				1				
1				265	Failure of crew to protect rear of their train while backing.		10								

a Ample.

b Sufficient.

a Full rest.

b Sufficient.

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.	Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.							Killed.	Injured.				
1				\$1,500	Engineman dropping to sleep after he had been flagged; was on his fourth trip and had had but two hours' rest at end of each; was not required to make so many continuous trips, but desired to earn the additional wages.	45		1		2		\$2,550	Failure of conductor to protect rear end of his train.	15	16
								1				400	Rear brakeman failed to comply with rules; did not go out the required distance.	16	7
								1				300	Conductor and engine- man of extra freight train disregarded or- ders.	21	Full.
1				775	Flag not sent out to pro- tect rear end of train; confusion of signals; engineman running too fast.	18	(a)	1		1	1	1,100	Engineman running train by signal at "dan- ger."	18	25
1				250	Conductor failing to prop- erly protect rear end of train with flag; on ac- count of curve engine- man of extra was un- able to see train occu- pying main line in time to stop.	15						1	While shaking grates en- gineman severely sprained back.	18	16
										1			Brakeman on top of box cars signaling; lantern went out, causing him to step off car; run over.	17	
1				350	Engineman failed to re- spond to signals in cou- pling up train, letting the parts strike too hard.	25	10					1	Watchman sitting on ends of ties asleep; struck by train.	21	
										1			Brakeman, walking over train toward engine, stumbled and fell off, wheels passing over right foot.	18	
1				1,150	Freight train standing on track without pro- tection; flagman in ca- boose asleep; conduc- tor and flagman re- sponsible.	22	12					1	Firemen lying down with feet against rail on main track; three toes run over by passing train.	16	7
1				4,296	Flagman failing to go back the distance re- quired by the rules; en- gineman running train at excessive speed.	17	12			1			Brakeman, sent out to flag, sat down on ends of ties and dozed off; struck by engine of freight train.	15	17
1				700	Engineman approaching station with train not under control.	16	20					1	Trainman, standing at baggage-car door, slip- ped on a piece of ice on car floor, falling to the ground and breaking an arm.	63	(a)
1			1	600	Engineman approaching station at too high speed; fireman and head brakeman not keeping proper lookout.	16						1	Conductor slipped off step on pilot of engine, spraining muscles of his right forearm.	15	
1				700	Air hose bursted, setting the air and stopping the train; collided with by two engines following.	11	12					1	Section foreman knock- ing angle bars off of rail, which flew back and struck his right leg, breaking it in two places.	19	13
	1	1	2	1,000	Engineman running at too high rate of speed; brakes would not hold sufficiently to stop train.	18							Freight brakeman, sent back to flag, sat down on rail and is supposed to have gone to sleep; struck and killed.	19	12
	1			400	Conductor and brakeman failing to notice hot box.	16	9			1			Brakeman standing on rear platform of ca- boose; engineman set air emergency, throw- ing brakeman against iron rod on end win- dow.	18	10
1				165	Train not properly pro- tected; engineman not keeping proper lookout while running.	24	16					1	Laborer, left to watch a small landslide, went to sleep on track; struck by train and fa- tally injured.	16	13
1				300	Failure of engineman and brakeman to closely ob- serve crossing signal, which stood against them.	25	50						Flagman not out to pro- tect rear of train; con- ductor and rear brake- man responsible.	17	8
1				250	Road engine pulling out of yard ran into side of switch train; engine- man at fault.	15	12			1		200	Conductor neglecting to set switch in proper position after placing train in siding.	16	12
1				300	Freight train broke in two, the two parts col- liding; engineman used bad judgment in mak- ing stop.	16	(b)	1				331	Train placing coal in chutes pushed car over end of chute; due to engineman not stop- ping at proper time.	17	
	1			2,500	Train running at too high speed on down gale; conductor and engine- man at fault.	18	Full.						Flagman failed to obey conductor's instruc- tions, and also to dis- play his red lantern as required by the rules.	15	2
1				1,500	Failure of engineman to stop when flagged.	16	(c)	1					Engineman falling asleep. Conductor overlooking derail.	15	48
1			1	1,000	Conductor and rear brakeman failed to see that rear end of train was properly protected by flag.	19	4			1		2,921	Engineman falling asleep. Conductor overlooking derail.	15	4
1				300	Engineman at fault, in- toxicated; dismissed.	15	48						Derailment at crossing, due to snow and ice in flange; brakeman jumped from top of car, 14 feet, bruising left knee.	18	6
1				300	Engineman not having his train under control approaching station.	15	(c)	1		1		200	Failure of brakeman to have his train move into track carefully, so as to be prepared to stop promptly.	15	4
1				1,635	Engineman and conduct- or violated rule in not observing 10-minute block on freight trains; followed preceding train too close.	15	23			1				20	3
1				200	Engine backing down main line ran into rear of extra which had been left standing on track.	19	10	1				198			

a Long rest.

b Several weeks.

c Sufficient.

d Through coast train; length of time on duty does not indicate lack of rest.

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.	Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.							Killed.	Injured.				
1		5	5	\$15,000	Train ran away and into rear end of another; due to failure to tie down train when engine was cut off for water.	15	33	1		1		\$1,850	Rear-end collision of passenger and freight trains; engineman of former failed to run carefully and keep a sharp lookout.	3	
1		1	2	3,000	Failure of crew to flag and of engineman to keep lookout.	21	12						Conductor of the freight did not go back a sufficient distance to properly protect his train.	20	
1				500	Conductor failed to flag properly.	18	(a)	1		1	4	2,187	Extra engine following preceding train at too high a rate of speed; engineman unable to see flagman on account of fog.	17	7
1			1	205	Conductor and brakeman failed to signal engineman to stop in coupling, overlooking that there were three sections.	18	24		1			950	Train struck rock slide in yard and derailed; accident unavoidable—		
1				732	Train parted and the two portions of train ran together; not discovered in time to use hand brakes.	18	16						Engine crew—	32	8
1													Train crew—	26	8
1			3	1,466	Engine and part of train allowed to occupy main track on time of superior class train without proper protection; crew responsible.	16	8	1			1	100	Switchman turned draft of cars into a siding, which collided with an engine standing there.	16	11
1								1				1,400	Rear-end collision on account of engineman not keeping his train under proper control; did not handle air brake properly.	19	(a)
1				900	Extra train passed red Hall signal; flagman asleep in caboose.	21	12		1			593	Journal under car breaking; brakeman and conductor responsible for not giving train proper attention.	24	8
1			8	3,600	Failure of conductor to properly protect rear end of his train.	16	12								
1				2,000	Engineman running by automatic signal at danger, and flagman failing to go back a sufficient distance.	15	24	1			1	813	Crew violating rules—	23	8
						16	24	1		2	4	16,083	Failure of conductor and engineman to properly read and understand orders.	17	9
1		34	24	51,248	Operator asleep, allowing train to go by station where order had been given for it to stop; operator voluntarily working part of track of the regular night operator, who had gone off without permission.	16	12		1		7	2,600	Switch tender failing to close switch.	18	
									1		2	900	Brakeman leaving switch open.	23	10
								1				333	Brakeman taking block out from under car, which ran down into empty cars attached to engine.	20	13
1				235	Failure of flagman to protect rear of train.	18	13	1				1,000	Rear-end collision on account of engine crew not keeping proper lookout for train ahead as notified to do by flagman.	15	12
	1			1,700	Three cars derailed while passing over switch; cause not determined; trainmen not on proper lookout.	18	12								
1			2	1,500	Improper flagging on part of crew.	17	8	1				300	Engineman and switchman leaving cars without protection—		
1				650	Engineman not having train under control entering station.	17							Engineman—	25	10
								1		1	1	690	Switchman—	12	12
		1			Brakeman while out flagging sat down on track and fell asleep; run over by train.	16	9						Work extra on the time of extra train, which was running on schedule; conductor and engineman responsible.	20	6
			1		Conductor coupling up snow plow and outfit car; point of plow caught his heel, breaking his ankle; carelessness.	16	10	1			1	600	Engineman of south-bound extra ran train past red signal, colliding with work train.	20	
			1		Brakeman climbing up side of box car while train was moving struck against spout on standpipe and was knocked to the ground; night.	16	30						Conductor and fireman of work train also at fault for failing to properly protect their train.	4	
		1			Yard trainman lying on main track asleep; struck and run over by passenger train.	22	5				1		Fireman on freight train dropped off to sleep and fell, striking his head on deck of engine cab.	22	
		1			Brakeman while making a cut of cars caught his foot in spring rail frog; run over and instantly killed.	15	9				1		Trainman unloading cars from car to platform stepped off edge of bridge and fell to ground.	15	
		1			Brakeman, setting train off junction, fell from car, on account of slippery and icy ladders; run over and instantly killed.	21	19				1		Brakeman sitting on tender of engine fell asleep and slipped off.	16	9
1			2	200	Work extra pulling out on main line, with markers on caboose, but which engineman following was unable to see owing to the darkness; flagman attempted to flag with red lantern, which went out.	16	8				1		Brakeman sent out to flag discovered sitting on end of tie; struck and knocked off before train could be stopped.	19	
													Brakeman put off to flag fell asleep on track; struck and killed by engine.	17	
													Flagman sent back to flag fell asleep on track; engine of freight train ran over and mashed lower part of right leg.	16	(b)
													Freight brakeman, sent back to flag, fell asleep while sitting on rail; struck and killed by engine; fog prevailing.	20	7

a Sufficient.

a No rest.

b Several days' rest.

Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.	Colli- sions.	Derail- ments.	Personal in- juries.		Damage to cars.	Cause.	Hours on duty.	Hours of rest.
		Killed.	Injured.							Killed.	Injured.				
		1			Brakeman between cars, coupled with links, to make a cut; cars from rear bumped in, fatally squeezing him.	16	12	1		2		\$4,900	Eastbound freight col- lided with rear end of extra eastbound freight, due to crew of extra not flagging, and crew of freight train following not ex- ercising proper caution, knowing the extra to be ahead.	22	12
		1			Car repairer, crossing tracks in yard, stepped out of the way of one engine and in front of another; knocked down and run over; died same day.	22	(a)							19	14
			1		Trainman sat down on track and went to sleep; struck by train.	15				1			Southbound freight took siding for a northbound freight; fireman climbed down out of engine, sat on rail of main track, and fell asleep; was struck by engine of northbound train.	15	Ample
			1		Trainman, while out flag- ging, sat down on track and fell asleep; struck by train.	16						1,600	Westbound freight ran into rear of extra west- bound, owing to the negligence of conduct- or and flagman with extra in not going out to flag.	16	21
		1			Trainman, out flagging, went to sleep; both legs run over by en- gine, necessitating am- putation below the knees.	16	15		1		1	7,300	Failure of crew to set suf- ficient hand brakes on draft of cars, which had been placed on a sid- ing, causing them to run down grade.	17	20
		1			Brakeman, while his train was on siding waiting for passenger train to pass, sat down on main track and went to sleep; struck and killed by passenger train.	18			1		1	2,000	Through westbound freight train standing on side track; boiler of engine exploded, sup- posed to have been due to engineman allowing the water to get too low.	17	12
		1			Trainman, sent back to flag, lay down in grass with head resting on track; seen and caution- ed by road master five minutes before arrival of train which struck and killed him.	17	8			1			Extra train on siding waiting for passenger train to pass; brakeman lay down on track and fell asleep; struck and killed by passenger train.	24	10
			1		Trainman, sent back to flag, sat down on rail and went to sleep; ca- boose, backing to pick him up, struck and ran over him.	16	7	1			3		Passenger train ran in on siding and struck light engine; due to fireman leaving switch open.	18	12
			1		Trainman, sent out to flag, sat down on end of tie and went to sleep; struck by train.	18	12			1		500	Rear-end collision, on ac- count of engineman on head engine being asleep.	23	
1				\$7,880	Engineman overlooked his order and ran by meeting point.	39	9		1			4,994	Conductor and engine- man allowed train to get beyond their con- trol, and high rate of speed caused derail- ment.		
			1		Conductor helping to un- load freight, when a barrel of merchandise fell from door of car and badly mashed his left foot.	16	8						Conductor on duty.....	23	14
1			1	1,086	Failure of brakeman to go back a sufficient dis- tance to flag; conductor grossly negligent also in not properly protect- ing his train.	17	10						Engineman on duty.....	23	83
1			1	1,720	Second section left sta- tion too close on the time of the first section; engineman and con- ductor of second sec- tion did not have their train under full con- trol, resulting in a rear- end collision.	17	10								
		1			Crew had stopped to take midnight lunch; fire- man, left alone on en- gine, is supposed to have put cold water in on a hot boiler, which had been allowed to get too low, causing it to explode.	16	12								
1			1	417	Chain broke on a crip- pled car in train; flag- man left the rear end to inform conductor; in his absence rear end ran down grade, owing to insufficient number of brakes being set up; head end collided.	31	2								
		1			Extra freight waiting on siding; fireman got off engine and sat on main track; fell asleep and was struck and killed by a passenger train.	18	21								

^a Working in another man's place.

Mr. BACON. I do not want to interrupt the Senator from Wisconsin in his presentation, but before he takes his seat I should like to ask him a question or two about the practical operation of the bill.

Mr. LA FOLLETTE. I will answer the questions if I can.

Mr. BACON. Whenever the Senator is ready.

Mr. LA FOLLETTE. Proceed.

Mr. BACON. All that the Senator from Wisconsin has said to-day is to illustrate the importance of some measures—legislation, if you please—by which the employment of railroad operatives for an undue length of time may be controlled. I presume we all agree with him on that matter; that it is a great evil. We do not differ on that at all; and if we can reach it properly, without incurring or causing other evils, so far as we can do so legitimately in the exercise of our functions as Federal legislators, I presume we would all be in accord with him.

What I desire to know is as to the practical operation of the bill; as to the details of the bill; as to the difficulties which are presented by memorials offered here, by the letters which were read here yesterday, addressed to the Senator from Wyoming [Mr. WARREN] and others, and as to whether the provisions of this bill meet those difficulties. That was the cause of the suggestion which I made yesterday, that we should consider this bill during the remainder of the time which will be at our disposal before the arrival of the hour fixed for voting. For that reason I suggested certain difficulties to the Senator yesterday, and I have others in my mind to-day, not with a view of obstructing the bill, but with a view possibly of perfecting it in such a way as to remove those difficulties.

If the Senator has in mind the discussion of the details of the

bill, I will be more than happy to suspend any inquiry which I may desire to propound to him until I see whether he covers the ground. I therefore will not interrupt him further just now than to make the suggestion I have made—

Mr. BEVERIDGE. I wish the Senator from Georgia would talk louder. We are very much interested, and we can not hear the Senator.

Mr. BACON. I beg the Senator's pardon.

Mr. BEVERIDGE. I say I wish the Senator from Georgia would speak a little louder. We over here would like to hear him.

Mr. BACON. I do not desire to repeat what I have said unless the Senator from Indiana desires it.

Mr. BEVERIDGE. Not at all.

Mr. BACON. I had about concluded all that I intended to say. I was endeavoring to direct the attention of the Senator from Wisconsin to the fact that upon the matter which he has been presenting to the Senate to-day there is no material difference among Senators, so far as I know. We all recognize that there is a very great evil, but the presence of an evil does not necessarily make every remedy proposed for it the correct remedy.

This is a most important bill, a most far-reaching one; more far-reaching in its practical effect, so far as I am able to judge and determine, upon the railway business of the United States than any bill that has ever been before the Congress—much further than the rate bill, very much further than the employers' liability bill, very much further than the safety appliances bill, and in its effect, as I endeavored to suggest on yesterday and to which suggestion I have had no reply to the contrary, absolutely turning over to the matter of Federal legislation the question of the hours of employment upon every railroad, long or short, within the limits of the United States. It turns it over hereafter to Federal legislation and in consequence to Federal litigation in Federal courts. I need not say to anyone who hears me who is a lawyer that if it be true that we put it within the domain and province of Federal legislation and Federal litigation, it is no longer either within the province of State legislation or within the jurisdiction of State courts.

Therefore I say it is a question of the most stupendous magnitude, and I do not think I am going too far when I say that this bill has not been properly perfected. I will not say anything about the amount of consideration which has been given to it, because I know nothing about that; but taking the bill which is before us to-day, with its innumerable amendments sandwiched in in almost every sentence—verbal, technical, and substantial all of them in their nature—and how can any Senator doubt the fact that the bill before us is in an exceedingly immature and unperfected condition?

What I want to hear from the learned Senator from Wisconsin is not whether there is an evil. We all recognize that there is an evil. I want to hear whether or not this bill is correct in its details and whether the difficulties which have been suggested here by Senators upon the floor, both originating with themselves and called to their attention by communications from railroads and from railroad employees, are met by the provisions of the bill. Those are the questions which are important and about which we wish to hear.

I beg the Senator's pardon for so long an interruption.

Mr. LA FOLLETTE. Those may be the questions about which the Senator from Georgia wishes to hear, and it may not be agreeable to him to listen to any other discussion. I, however, will say—

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. Will the Senator pardon me for a moment?

Mr. LA FOLLETTE. In one moment.

I will say that during the four or five days at the last session, when the struggle was on for the consideration of this legislation and when finally it was taken up by the Senate for consideration, all the opposition expressed to it was as to the necessity of any legislation whatever upon this point. I think I do not go too far in saying that every Senator who spoke in opposition to it stated that there was no necessity at all for legislation on the subject; that it was a matter which might be left to contract and agreement between the employees and the railway companies.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. Right along the line on which the Senator from Wisconsin is now talking, in answer to the Senator from

Georgia [Mr. BACON], I wish to say that while every Senator, whether he is going to vote for or against the bill, recognizes the good that might come from a measure with proper privileges as well as proper restrictions, yet I think the main question is whether the bill as it is before us is a proper bill, and whether it has had proper consideration at the proper time and in the proper place. I should like to ask for information, as I do not know, whether while the bill was in the committee a hearing was accorded to all those who wished to be heard?

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. I do.

Mr. DOLLIVER. I will say that the bill was pending for a long time before the committee, and no hearing was called for and no hearing was had, except a statement by a representative of the railway brotherhood. But the absence of a hearing is due to the fact that nobody appeared to desire a hearing.

Mr. WARREN. I am glad the Senator from Iowa has the information, and I will address the question to him.

Mr. DOLLIVER. I will say further that the bill had very considerable consideration by the committee, being pending for a long time, and the awkward and somewhat difficult shape in which it appears in its printed form before us arises not from any trouble with the bill itself, but from the multiplicity of amendments which have since been offered and are printed in various types. If anybody will read the bill as reported he may have a good many objections to it, but they will not be objections based upon the notion that the bill has not been well considered and well stated.

Mr. WARREN. Now, Mr. President, I hope the Senator will inform me, if I have been misinformed. I have been informed even as late as to-day that application was made for a hearing, which was forgotten by the chairman of the committee, and when reminded of it after the bill was reported he acknowledged that it had been overlooked. Is that true, or is it not true?

Mr. DOLLIVER. I have no knowledge of any such circumstance. Applications have been made since the bill was reported, to be heard, and the committee going a good ways beyond its duty agreed that anybody who desired to appear before the committee, notwithstanding the report of the bill, would be heard by the committee; and arrangements were made to call a meeting of the committee for that purpose. Nobody has been denied a hearing, and no suggestions have come from any direction that have not been just as well stated on this floor as they would have been if made before the committee.

Mr. WARREN. I think with the information I had the inquiry is certainly pertinent, and it is to be greatly regretted that there were not hearings, whether they were asked for or not, because it is a question which affects great interests. It affects the interests and welfare of employees, and if, as in my case, we are called upon to vote upon this measure and can hear only upon one side criticism or condemnation, or rather no commendation except upon the general objects sought, but all criticism as to the terms on the part of employees—and I have yet to hear from the first employee in the United States favoring the bill—it would seem as if the bill ought to have further consideration somewhere, so that men who object to it could appear and state their objections.

Mr. DOLLIVER. Mr. President, this is a good place for the consideration of the bill. I know of no duty imposed upon the committees of the Senate to send out and bring people in and give them a hearing whether they seek it or not.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. Certainly.

Mr. PATTERSON. I wish to say to the Senator from Iowa that I have received a tremendous number of protests against this bill, about 110 different letters, with perhaps 200 signatures, and I have just received in the past five minutes the first and only request for the passage of the bill. It comes from Grand Junction, Colo. But I wanted to ask the Senator from Iowa, who, I believe, reported the bill or introduced the bill originally, whether it was offered by him as the result of requests from any considerable number of railway employees, or from others, or whether the necessity of some such legislation as this arose from the repeated instances that we have had of serious accidents occurring by reason of the long continuous service of the employees who had the wrecked trains in charge?

Mr. DOLLIVER. Mr. President, in reply to the question of the Senator from Colorado, I will say that the bill was not introduced by me, though my information is that it was prepared by those who are chosen by the railway brotherhoods to

guard the interests of the railway men of the United States. Those brotherhoods very properly have an official charged with the duty of urging upon Congress the legislation which meets the approbation of the men whom they represent.

This bill, as I understand it, was drawn by the official representatives of the railway brotherhoods of the United States. Of course that imposes no duty upon the Senate to adopt the exact bill which they introduce. I have no doubt myself that the necessity of such legislation has been pressed upon the attention of nearly everybody in the United States by the series of train disasters, involving both property and life, occurring all over the United States, many of them traceable to the overworking of employees, to the working of men during such intolerable hours of service as leaves them practically unable to discharge the business which is committed to their hands. For example—

Mr. LODGE. I wish to ask the Senator if he has noticed the statement of the engineer of the freight or equipment train which ran into the passenger train here at Terra Cotta, just outside of the city, causing that frightful disaster. If I remember the statement correctly, he had been on duty from half past nine on Friday morning until the time of the accident, with only two intervals.

Mr. LA FOLLETTE. I will say—

Mr. LODGE. I dare say that has been stated already.

Mr. LA FOLLETTE. It has not been stated, but I have the testimony which was given before the Interstate Commerce Commission and which I propose to submit in the course of time.

Mr. LODGE. From 9 o'clock on Friday morning, for a period of more than forty-eight hours, he had two periods of four hours each for sleep.

Mr. LA FOLLETTE. Yes, substantially.

Mr. BEVERIDGE. Yet the engineer is to blame.

Mr. LODGE. I think it shows that in the interest of the passengers of the country something ought to be done.

Mr. SPOONER. I think it is clear, notwithstanding, that he was not to blame.

Mr. BEVERIDGE. Notwithstanding the fact that he was not to blame and could not have helped it, nevertheless he has been blamed in all the newspapers of the country as having neglected his duty after having been in train service for forty-eight hours.

Mr. DOLLIVER. I will ask the Senator from Wisconsin whether I am trespassing on his time?

Mr. LA FOLLETTE. Not at all, because the sound of another voice, I think, increases the attention, and I am very glad indeed to be interrupted in this way.

Mr. DOLLIVER. In that case, Mr. President, I wish to submit an observation or two, if it will not disturb the Senator from Wisconsin.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LA FOLLETTE. Certainly.

Mr. WARREN. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. Before the Senator gets away from the subject of the representatives of the employees of the roads, it would seem as if there is quite a difference of opinion there. I inserted in the Record yesterday communications from the chairman of the general committee of conductors of the Union Pacific system, one of the largest railroad systems in the country.

Mr. DOLLIVER. It is very large.

Mr. WARREN. And also from the head of the Brotherhood of Locomotive Engineers and Firemen; also of brakemen. So it seems there are great leaders of trainmen, embracing conductors, engineers, firemen, and brakemen, who object to the bill.

Mr. DOLLIVER. Mr. President, the Brotherhood of Locomotive Engineers is a national organization, and these objections do not come from the national organization of railroad trainmen, but from organizations local in character, surrounded possibly by unusual circumstances. That leads me to say that everybody agrees that this bill contains a correct principle in seeking to prohibit a continuous train labor of more than sixteen hours without rest. It is not only of interest to the men, but it is of interest to the entire American people that that should be corrected.

Mr. WARREN. We grant that.

Mr. DOLLIVER. Now, that is granted. The reason that here and there local brotherhoods of trainmen oppose this bill arises from the fact that the bill in its present form appears to require a uniform treatment of situations that in various sections of the country are far from uniform.

Mr. WARREN. That is true.

Mr. DOLLIVER. If the Senator from Wyoming will read an amendment which I offered yesterday tentatively to this bill—

Mr. GALLINGER. As a substitute.

Mr. DOLLIVER. As a substitute for it, he will perceive that the objections made by these trainmen are probably fully met, because the substitute which I propose, while it preserves the prohibition against excessive hours, confides to the Interstate Commerce Commission the same sort of a discretion they have in the application of the safety-appliance laws which have heretofore been adopted, enabling them in special cases and under circumstances which they themselves will be the judge of, to make orders which will exempt the railways from obedience to the prohibitions of the law. I am not certain that that will suit anybody, but I believe it would be a very strange situation, with everybody in favor of the prohibition of excessive railway hours, if we here in the Senate should be embarrassed and bewildered by our inability to devise some straightforward and coherent method of doing that. Let the hours of labor be restricted as this bill provides, and in circumstances such as prevail with the Union Pacific Railway system, where there are branch lines in remote mountainous districts and in other sections of the country, let those peculiar circumstances be considered by the Interstate Commerce Commission, that where a reasonable showing is made these peculiar cases may be exempted from the operations of the proposed law. Now, has my honorable friend from Wyoming any objection to that?

Mr. WARREN. I wish to say that the amendment, as I have scanned it over hurriedly, is an improvement. The question is whether we are loading up the Interstate Commerce Commission with so much work with rate bills and train bills, etc., that men will be born and live their lives and serve their time and die before the many cases as they arise will be disposed of.

Mr. DOLLIVER. If my friend will observe the phraseology, it proposes that the law shall take effect at a period to be named in the future, and that before it takes effect the Interstate Commerce Commission shall consider such cases as are made by the trainmen at Cheyenne, and in other sections of the country, and if a proper case is made, where the interests of the public and the interests of the trainmen can be preserved, exceptions in such a case can be made.

Mr. BEVERIDGE. May I interrupt to ask the Senator a question?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. I desire to address my interrogatory to the Senator from Wyoming. The Senator said that the only question that remains is whether we are not so loading up the Interstate Commerce Commission that it could not consider all the questions before it—

Mr. WARREN. No; I beg the Senator's pardon, I did not say that that was the only question.

Mr. BEVERIDGE. That was one question.

Mr. WARREN. It is a question, surely.

Mr. BEVERIDGE. So that it could not consider the questions before it, and men would grow up, live, and die before the cases would ever be tried. Conceding that to be true, does the Senator think that would be any worse situation than to have a situation continue whereby men go on and get killed and wrecks occur, and the whole terrible condition which some legislation is needed to stop? Does he think even the suggestion, which he makes, if it were true, would be any worse than the situation as it is?

Mr. WARREN. I do not admit that we are driven to such an alternative as that. Possibly the Senator from Iowa is reaching in the right direction. The only question is, and I am only bringing it up as a question, whether that is the proper tribunal under the present circumstances, and whether it is as near to the facts and the men themselves as we may provide. I have nothing just at this time to offer to replace it, and therefore perhaps it is not becoming in me to question it, but I raise the inquiry for those who are giving it more attention than I have, whether that is the place in which to lodge the power.

Mr. BEVERIDGE. I think in answer to that the Senator might well take it for granted that if those who have this bill in charge, the Senator from Iowa [Mr. DOLLIVER] and the Senator from Wisconsin [Mr. LA FOLLETTE], had thought of anything better they would have presented it, and since it must be presumed that those who have studied it have presented the best that has yet occurred to them, and since the Senator from Wyoming confesses that he has nothing better whatever to offer, then it would seem to be logical that he should not further resist the passage of this measure.

Mr. WARREN. Because it seems the men, so well posted, who have had this matter under consideration so long, and from time to time have found something better than that which preceded it, I am in hopes that in the same direction they may go

still further. It is because I have a great deal of confidence in those who have this bill in charge that I am confident they can better it if given time and opportunity. I think no one on this floor would dispute the fact that what is aimed at is to bring the hours down to the proper limit of effort on the part of the men and to provide for sufficient sleep and rest between days of labor. That object itself is good. The only question is the manner of approaching it. I am hoping that with the many improvements already offered we may reach still further.

Mr. BEVERIDGE. Mr. President, with the permission of the Senator from Iowa, the obvious answer to that is that it is to be hoped that the laws of human intellect will still continue to work, and that we will be able to improve this proposed legislation after it becomes a law. But if, as the Senator suggests, this measure should lie over from time to time until an absolutely perfect law is evolved, since the human mind constantly improves the work that it produces, some years would no doubt elapse, but in the meantime the evil would go on; thirty, forty, and fifty hours' work would be required of men; Terra Cotta wrecks would occur, while men were gradually improving a measure upon which already months of serious time and thought and effort had been expended. Would it not be well to enact the best now that we have been able to evolve and then as experience proves where we can improve to improve it hereafter by amendments? I ask that question of the Senator.

Mr. WARREN. I am very glad to have the Senator from Indiana admit that there may be improvements in our work, that bills that may be introduced hereafter may be better than those being introduced and considered at present; but I trust the Senator from Indiana will remember that improvements may be still further presented here and now.

Mr. BEVERIDGE. I have already done that in the bills that it has been my good fortune and my duty to present and fight for upon this floor. I have taken that for granted. But I call the attention of the Senator to precisely where the logic of his questioning leads and leaves him, and that is that we shall never pass a bill so long as it is possible that in the future somebody may after a while suggest something better, and that his logic leads and leaves him at this point, that gentlemen having charge of the bill, having perfected the bill the best they could, and the Senator from Wyoming not having suggested anything better, it becomes our duty to pass the best that we have produced and then wait hereafter until experience shall show where we can still improve it. According to the logic of the Senator, he is as much committed to this measure as the Senator from Iowa or the Senator from Wisconsin.

Mr. WARREN. The Senator from Indiana is in error as to two matters. The first is, that I am opposing any bill or legislation leading in this direction.

Mr. BEVERIDGE. No; I say that the logic of the Senator leads him to support it.

Mr. WARREN. And the second, that I have not tried to improve it, which statement is made in view of the fact that I introduced two amendments yesterday, and thus I am trying to improve it.

Mr. BEVERIDGE. Are those two all the Senator can think of to improve the bill?

Mr. WARREN. With that challenge I will have to say that I have something besides those two amendments which I should be glad to have adopted, and I should be very glad to vote for the bill when they are all adopted.

Mr. GALLINGER. The Senator from Wyoming will remember that there are about thirty other amendments pending.

Mr. WARREN. More or less, and probably there will be still more offered.

Mr. BEVERIDGE. But we are talking about the amendments which the Senator from Wyoming has thought would make the bill as nearly perfect as his study could possibly make it. So, according to that, the Senator from Wyoming is certainly committed to the bill. I did not say he was against it. Upon the contrary, I say his logic leads him and leaves him in support of it.

Mr. DOLLIVER. Mr. President, the fact is that the situation is really very much simpler than our record here would seem to indicate. Everybody desires to put an end to unreasonable hours of labor in the railway service, partly for the sake of the railway workmen and still more for the safety of the American public. The bill contains a simple prohibition of that character, with an exception, namely, casualties occurring after the train had started upon its journey, sometimes requiring more than sixteen hours, on account of the accident, to reach the terminals.

Now, it appears that there are other exceptions which might well be made, exceptions arising sometimes out of the special

situation of a railway line. I have had one or two of those brought to my attention. But more important than that, there are peculiar situations in the present arrangement of divisions and terminals upon some of our greatest railway systems which lead the men who are employed there to think that this law, greatly as they desire to be relieved of long runs, would be burdensome and objectionable from their standpoint. That is a matter which requires a very close investigation—an investigation that could not very well be given either in the committee or in the Senate—and I have thought it wise, in view of the fact that it requires a very careful investigation, to clothe the Interstate Commerce Commission with the power, before the law goes into effect, to find out these peculiar situations and to make an order exempting certain railways from the operation of the law, and exempting all railways from the operation of it under certain defined and stated circumstances. Now, that is all there is to it. If the Senate desires to pass a measure of this character, as I feel sure it does—

Mr. BACON. If the Senator will pardon me a moment, does he think—

Mr. SPOONER. Mr. President, I rise to a parliamentary inquiry.

Mr. LA FOLLETTE. I will yield, Mr. President.

The VICE-PRESIDENT. The senior Senator from Wisconsin rises to a point of order. He will state the point of order.

Mr. SPOONER. My colleague yields, and I have no point of order to make.

The VICE-PRESIDENT. The junior Senator from Wisconsin yielded, as the Chair understood, to the Senator from Iowa. Will the Senator from Iowa yield to the Senator from Georgia?

Mr. LA FOLLETTE. I did not yield the floor, Mr. President.

The VICE-PRESIDENT. The Senator did not yield the floor. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. BACON. I thought I was asking the courtesy of the Senator from Iowa. I find, however, that he has not the floor, and I will not interrupt him.

Mr. DOLLIVER. I will very gladly yield to the Senator from Georgia.

Mr. BACON. The floor is not within the disposition of the Senator from Iowa, and I will not interrupt him. The Senator will not misunderstand me. If he were speaking in his own time, I would ask the privilege of interrupting him.

Mr. PATTERSON. Mr. President—

Mr. DOLLIVER. I am certainly a little confused.

Mr. PATTERSON. The Senator from Iowa secured the floor to answer a question propounded by me.

Mr. DOLLIVER. I then negotiated with the Senator from Wisconsin, and found him not only willing but apparently eager to give the floor to me.

Mr. PATTERSON. But I was the Senator who yielded the floor to the Senator from Iowa to answer the question. He did not negotiate with the right person.

Mr. DOLLIVER. Mr. President, seeing the uncertainties of my tenure, I will take my seat.

Mr. LA FOLLETTE. Mr. President, I will yield the floor to the Senator from Iowa. I can resume it again.

The VICE-PRESIDENT. The Chair will recognize the Senator from Wisconsin [Mr. LA FOLLETTE] at the conclusion of the observations of the Senator from Iowa [Mr. DOLLIVER]. The Senator from Iowa.

Mr. DOLLIVER. Mr. President—

Mr. BACON. Mr. President, if the Senator from Wisconsin has yielded the floor to the Senator from Iowa, I will venture to ask the privilege of interrupting him.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. BACON. I understood the Senator from Iowa to say that the object of his amendment was to give to the Interstate Commerce Commission the power to exempt certain railroads from the operation of this proposed law. Does the Senator from Iowa think we could pass a law which would apply to some railroads and not to others?

Mr. DOLLIVER. I was misunderstood, Mr. President. I think if the Senator will examine the amendment he will see that the exemption which the Interstate Commerce Commission is authorized to make is an exemption arising from peculiar circumstances and conditions.

Mr. BACON. I had noticed that was the language of the amendment proposed by the Senator from Iowa, but I was speaking of what has just fallen from the lips of the Senator. In speaking of that amendment he spoke of the design of it, and one of the particulars of that design was to give to the Interstate Commerce Commission the power to exempt certain

railroads from the operation of the proposed law. If the Senator did not mean to be so understood—

Mr. DOLLIVER. I was misunderstood, Mr. President.

Mr. BACON. Then, I will say nothing further on that point.

Mr. DOLLIVER. Mr. President, the proviso of the bill involves, I think, the same principle that is involved in the safety-appliance act, which is made applicable everywhere, with the understanding that the Interstate Commerce Commission may suspend or postpone the operation of the law under certain conditions found upon investigation.

Mr. BACON. Now, Mr. President, I should like to have the Senator from Iowa, if he will, permit me to have read in this connection a communication which has been addressed to my colleague [Mr. CLAY] and myself by certain railway employees, conductors and others, in order that I may ask the Senator from Iowa whether he understands that his amendment would cover such cases as are specified therein?

Mr. DOLLIVER. I shall be very glad to have read the paper to which the Senator refers.

Mr. BACON. I ask, with the permission of the Senator from Iowa, that the communication which I send to the desk may now be read. I will ask the attention of the Senator from Iowa to the particular case specified in the letter, with a view of seeing whether or not the amendment proposed by the Senator from Iowa would cover such a case; in other words, would give the right to the Interstate Commerce Commission to pass a rule or to make a regulation which would meet the difficulties suggested in that letter.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

HON. ALEXANDER S. CLAY, HON. AUGUSTUS O. BACON,
United States Senators, Washington, D. C.

GENTLEMEN: It has come to our notice that there is now pending before Congress and the House of Representatives a bill known as H. R. bill 18871, or better known among us as the "sixteen-hour bill," which we think has some very objectionable features. We therefore recommend to the House of Representatives and Congress assembled that the arbitrary parts of said bill be modified. While a law of some kind is possible that might, as a rule, do away with long hours on duty, we do believe and know that there are circumstances that arise in the handling of traffic by railroads that, while strictly speaking, are unavoidable, yet would not come under the exceptions provided for in the bill as it now reads. There are numerous things that might happen to a train that is only a few miles from its terminal, and perhaps on the main line, that the time limit might expire before relief could be gotten to them. Then, again, the crew might be but a few miles from their home terminal and the time expire, while in a few minutes, perhaps, they could reach their home terminal, where they could get their rest at their home, where they should. We do not believe that you want to make a law that will compel a crew to lay up five or ten or fifteen minutes from their home terminal just because the sixteen hours were up, then when their rest was up run them into their home terminal and double them right out of it again.

Mr. BACON. The Secretary will pardon me just a moment. I am inclined to think that, so far as the cases already enumerated are concerned, the suggestion made by the Senator from Iowa would cover them; but I want to ask particular attention to that which follows, which I do not think would be covered by any power to make rules or regulations. I now ask that the Secretary resume the reading of the letter.

The VICE-PRESIDENT. The Secretary will continue the reading of the letter.

The Secretary resumed the reading, as follows:

Then the crew may have a hard run from their home terminal to their away-from-home terminal—

Mr. BACON. That means to the opposite terminal—from the home terminal to the opposite terminal.

The Secretary continued the reading, as follows:

Then a crew may have a hard run from their home terminal to their away-from-home terminal, which, under the bill as proposed, would compel them to have eight or ten hours off duty, as the case might be. This crew might stand for a good run home after five or six hours' rest, which would take them to their home terminal in five or six hours. The proposed law would work an undue hardship on the crew under such conditions. This would also work a hardship on the railroad company, but a much greater hardship on the men. We therefore request you to do all in your power to so amend this bill in favor of the railroads of this country so that unavoidable and unforeseen accidents be excepted, and in favor of the men that when an hour or two will get them to their home terminal be excepted, and, further, in favor of the men that when a few hours' rest at their away-from-home terminal will start them toward their home terminal that the men be allowed to use their own judgment as to whether they are able to go or not.

Mr. BACON. Mr. President, if the Senator from Iowa will pardon me, I want to call his attention, by way of practical illustration, to the difficulty suggested in the latter part of that communication. All railroad men have their homes at one or the other terminal, a place where their families are located, etc., where they are supposed to take their principal rest, and where their "lie-overs," as they are called, are permitted. Under the bill as it stands it is required that there should be ten hours of rest. As suggested in that communication, a railroad em-

ployee starting from his home and making, it may be, a hard run to the other terminal is very desirous to get back to his home and have his rest there; but he would be compelled under the bill to remain ten hours at the other terminal, and in that way have that much less rest at his home terminal.

The point I wanted to ask the attention of the Senator from Iowa to was this: Whether or not, under the power with which it is proposed by his amendment to invest the Interstate Commerce Commission to make certain rules and regulations, would it, in his judgment, go to the extent of permitting them to meet a case of that kind; to vary the law, and say that in such and such a case the employees need not remain ten hours at the far-away terminal, at the away-from-home terminal, as they call it, but that they may have a less period of rest there, in order that they may return to their homes and have their principal rest where they desire it, with their families?

Mr. DOLLIVER. Mr. President, I am inclined to think that the discretion conferred upon the Interstate Commerce Commission in the amendment which I suggested would enable the Commission to make regulations covering such a case; but I am not sure that they would do it, because that is a situation that goes to the very heart of the question of limiting the hours of labor, and I will admit that there are bodies of railway men in a good many places who look upon the limitation of the hours of their labor as liable to produce either a loss of time at their homes or, possibly, a loss of wages, a reduction in their monthly pay. Of course, an objection made by a workman upon grounds like these is entitled to very respectful and very careful consideration.

Mr. BACON. I grant that.

Mr. DOLLIVER. But it would be very easy to press a criticism of that kind to the point of making it entirely impracticable to put any limit at all upon the hours of railway labor, thereby taking away from the American people, the public at large, their right to have their lives and property guarded by these restrictions.

Mr. BACON. Mr. President, I do not wish the Senator to resign the floor for the present, but I want to say to him that I think he uses an incorrect term when he speaks of the suggestion as a criticism upon the bill, because the suggestion is not in the way of criticism, but in the line of an effort to perfect the bill, to relieve it from imperfections, and, if possible, to put it in such a shape as not only to serve the purpose which the Senator has in view, of protecting the traveling public, but, at the same time, of imposing as little hardship as possible both upon the railroads and their employees.

I venture to say that ninety-nine railroad employees out of a hundred, if brought before the Senator's committee, would say that in practical operation they would be in good condition upon the completion of a run to the away-from-home terminal after six or seven or eight hours at the outside of rest to start back on the run to their home terminal, and that it would be better for them, looking to the question of their physical recuperation, to say nothing of their comfort and domestic happiness, if they were permitted to take the larger part of their rest at their home terminal and not be required to take an undue proportion of it at the far-away terminal.

It is a very serious matter, Mr. President, to the men who have to be away from their homes most of the time that they should be required to stay a longer time at the far-away terminal than is necessary for recuperation. Eight hours will recuperate any man, and six hours will recuperate very many men, especially if upon the return to the home terminal they are to have fifteen or twenty hours, for a greater length of time for rest is always given to them at their home terminal. The period of rest is not equally divided between the home terminal and the far-away terminal.

Mr. DOLLIVER. And yet, Mr. President, the Senator from Georgia, I think, will admit that if the length of service is to be left practically to the convenience of the men and the purpose of this proposed law frustrated by anybody who thinks his comfort and his convenience would be promoted by such a course, it would go far toward destroying the value and vitality of such a statute.

Mr. BACON. Of course, that would be true if it would have the effect of destroying the statute, as suggested by the Senator; but the Senator seems to act upon the supposition that the Interstate Commerce Commission can be safely clothed with power to exercise a discretion as to the particulars in which these requirements should be followed. He says he thinks that this particular feature would be within the control of the Interstate Commerce Commission. If he thinks the Commission can be safely intrusted with it, I would suggest to the Senator that, if he will make the language so explicit as to remove any doubt upon that subject, we will not be in danger of having an agree-

ment between the employees and the railroads which would destroy the efficacy of the bill, but we will be simply relying upon the Interstate Commerce Commission to make such exceptions as to particular cases as will prevent undue hardships to railroad employees, and at the same time protect the particular vital interests he has in view.

Mr. DOLLIVER. Mr. President, the very reason that I felt constrained to offer the amendment was the difficulty in making a particular description of the circumstances which would warrant exemption from the operation of the law. In the proviso in the first section of the proposed substitute the language was made, as I thought, sufficiently broad to enable the Interstate Commerce Commission to prevent any hardship that ought to be prevented arising from the execution of the statute. I doubt the wisdom of making specific descriptions of any circumstances. If the Interstate Commerce Commission is given the discretion to make orders in the premises, I think it would be on the whole better to rely on them to take into consideration the case to which this memorial refers and all other cases involving exceptional circumstances.

Mr. BACON. I myself think that the Interstate Commerce Commission could, without any violence to the language or the proper construction of it, construe the provision found in the amendment proposed by the Senator from Iowa as covering this particular case. I will read the language:

Provided, That prior to August 1, 1907—

I think possibly that limitation ought to be removed—

the Interstate Commerce Commission may, after full hearing and for good cause, specify extraordinary circumstances or special cases under which any such common carrier by railroad and its officers and agents shall be exempted from the provisions of this section.

That is very broad, and I am inclined to believe would cover a case of this kind; but I think the Senator would probably do well to enlarge it, at least I should myself favor an enlargement of that limit of time. I think it would be better not to have a limit of time, because emergencies may arise and new conditions may develop after that time.

Mr. DOLLIVER. The Senator from Georgia will observe that, according to the first section of the proposed substitute, the act itself does not take effect until the 1st of August, 1907.

Mr. BACON. Yes.

Mr. DOLLIVER. Of course, that date could either be advanced or it could be made earlier.

Mr. BACON. If the Senator will pardon me, I think that provision, which is a very wise one in giving some elasticity to the bill, ought to be one which could be availed of whenever the necessities of the case require it. I do not see why the Interstate Commerce Commission should not be permitted, after a certain date, to meet an evil which unforeseen conditions might cause to be developed.

Mr. DOLLIVER. Well, Mr. President, I admit there is great force in what the Senator from Georgia says about that, and there will be no objection, I think, to an amendment in that respect.

Mr. BACON. I confess I would be very much more reconciled to the Senator's amendment if he would take out that limitation of time and put it within the power of the Interstate Commerce Commission to specify causes of exemption whenever, in their judgment, an emergency arose or there were developments or changes in conditions which made it necessary to prevent hardships.

Mr. BEVERIDGE. We could amend it in any event at the very next session if we saw fit.

Mr. HEYBURN. Mr. President, I rise for the purpose of making a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Idaho will state his parliamentary inquiry.

Mr. HEYBURN. I inquire whether it is in order now to move such an amendment of the unanimous-consent rule as will permit us to take up these amendments and vote upon them to-day, so that the bill can be reprinted as amended before we are compelled to vote on it to-morrow? I take it that what was done by unanimous consent can be changed by unanimous consent.

The VICE-PRESIDENT. Yes; it is within the province of the Senate to modify the unanimous-consent agreement by unanimous consent.

Mr. HEYBURN. Then I desire to ask unanimous consent—

Mr. LODGE. Oh, Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. HEYBURN. Yes.

Mr. LODGE. I do not think a unanimous-consent agreement ought to be modified in that way. We have no assurance that Senators who accepted the agreement and were present at the time it was entered into are here now at this moment. I have

never known a unanimous-consent agreement modified in that way.

Mr. HEYBURN. I would say, Mr. President, that in the case of the pure-food bill the same motion was made, and I think I acceded to it.

Mr. BEVERIDGE. Request, not motion.

Mr. HEYBURN. Request, if you please.

Mr. GALLINGER. Mr. President, this is a very illuminating discussion we are having now, and I think it ought not to be interrupted by taking votes. I object to any modification of the agreement.

The VICE-PRESIDENT. Objection is made. The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I do.

Mr. PATTERSON. I would not interrupt the Senator from Wisconsin were it not that I realize he is quite willing to allow any Senator to occupy the floor.

Mr. BEVERIDGE. I call the attention of the Senator to the fact that no Senator on this side can hear a word of his very interesting remarks.

Mr. PATTERSON. Mr. President, with the gracious consent of the Senator from Wisconsin [Mr. LA FOLLETTE], I want to suggest that this measure can hardly be classified under the head of a labor measure. The labor people of the world are struggling for an eight-hour day, while this is a measure that really provides for a sixteen-hour day. It is quite a commentary upon the railway service that a necessity exists to place a limitation upon the number of consecutive hours for which their employees may be compelled to labor.

I heartily concur in everything that has been said about the necessity for a measure of this kind, not so much for the benefit of the railway men, as for the traveling public. I can understand how men in many callings will be quite willing to work for a longer period than is profitable to their health and well-being on account of the additional earnings that lengthened employment will bring to them. Take the callings, Mr. President, that have secured recognition of the eight-hour day. Those who are engaged in them are willing to work for ten or eleven or twelve hours; but the eight-hour limitation is placed upon the day's work in order that they may get double pay for the extra time, or increased pay that may not amount to double the usual compensation. The limitation of the hours of work, except within special callings, is for the double purpose of affording the laborer an opportunity to maintain his health and vigor, and, at the same time and upon proper occasion, to increase his earnings.

I think the real necessity for this measure, or a similar measure that can be made effective, is for the protection of the traveling public. The many accidents that have occurred, resulting in deplorable loss of human life and the horrible maiming annually of thousands of people by reason of railway accidents, the result of the overworking of employees, constitute an appeal to Congress for legislation of this kind that should be heeded.

But I want to call the attention of the Senator from Iowa [Mr. DOLLIVER] to this feature of the substitute that he offered yesterday. There is nothing in it to prevent an employee being required to or voluntarily engaging in not only sixteen hours of consecutive labor, but practically thirty-one hours of consecutive labor. There must be some well-worded and carefully considered proviso to meet this objection that has not yet been thought of, or at least that has not yet been offered, in order that that fatal objection to this substitute and to the substitute that was reported to the Senate from the committee may be avoided. I have not been able to think out the precise phraseology that will be necessary to effectuate what the Senator from Iowa and other Senators desire to accomplish in a measure of this kind; but surely, Mr. President, when the first section of the substitute offered by the Senator from Iowa is considered, it must be perfectly plain that it does not meet the evil and in reality affords no remedy.

Let me read it for the consideration of the Senator from Iowa and other Senators:

That on and after August 1, 1907—

I am reading from the substitute of the Senator from Iowa, found on page 764 of to-day's RECORD—

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States, or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours.

That is all that is necessary to read, because there is nothing in the section that follows that in anywise remedies the imper-

fection that the language which I have quoted discloses. It shall be unlawful to require or permit them to remain longer than sixteen consecutive hours.

Suppose, as I suggested yesterday, a man is in service for fifteen consecutive hours, and then there is an hour in which he is not in service. The consecutive labor has been broken and a new period of service may commence, which may last for sixteen hours without the common carrier making itself liable to the penalties of this measure. It seems to me that the defect is so apparent that the mere reading of the amendment and calling attention to the defect is a complete argument in support of the proposition I make. In addition, as suggested to me by the Senator from Wisconsin [Mr. SPOONER], this is language that would be strictly construed in any legal action.

The danger of voting upon this measure as it is, and without this particular feature of it being clearly before the Senate, is that a measure will be passed that will be wholly ineffectual in the purpose to be attained.

Mr. BEVERIDGE. Does the Senator make the same objection to the bill itself? This is a substitute.

Mr. PATTERSON. Oh, yes; indeed, the same objection extends to the bill as reported from the committee.

Mr. BEVERIDGE. It does if it contains the same language.

Mr. PATTERSON. It has precisely the same language, so far as that is concerned. I called the attention of the Senate to it yesterday.

Mr. BEVERIDGE. I was not here then.

Mr. PATTERSON. That was to the bill as reported from the committee. So far as the measure itself is concerned, if proper language can be used to effectuate it, Mr. President, I am heartily in favor of it; and I discover upon reading a number of protests that have been sent to me that the objections made by the railroad men to the measure rest largely upon a misapprehension of its force and effect.

Surely most of the objections that are made to the bill can be obviated by simple amendments, amendments I have no doubt the Senate will acquiesce in.

I realize, Mr. President, looking at it from a certain light, that it is a drastic measure, but from the experience and knowledge of every Senator it is a measure of a character that is rendered absolutely necessary, having any regard whatever to the safety of those who must use these great lines of transportation. And as the miles of railway multiply, as the volume of travel increases, as the number of trains are multiplied, and as inventions and appliances are brought into existence for the purpose of securing safety in travel, the necessity for a measure such as this becomes the more glaring, for while you may perfect machinery and invent mechanical appliances, while the block system may be put into operation and other mechanical systems be applied to secure safety in railway travel, both to the public and to the railway men, there is one thing which can not be improved upon, and that is the endurance of the men to whom the running of trains must be intrusted. No ingenuity of the human mind, no mechanical skill, will amend the constitution of man. They will not eliminate the necessities of human nature. Men can work only a certain number of hours and retain their faculties at their highest. Especially can they not work beyond a certain time in such exacting employment as that of running railway trains. Therefore I take it, since the mind of the country as a whole and of the people as individuals is directed toward securing greater safety to the traveling public, Congress should, without any hesitation, do its share toward bringing about the reform.

So far as the bill itself is concerned, it no more affects railroads within States than does the safety-appliance law. That law requires that every railroad engine and every railroad car, whether it belongs to a local road or not, which is used in interstate commerce, shall be equipped with certain appliances. It is not necessary that they shall be continually used in interstate commerce. If they are a part of the equipment of a railroad which receives commerce from without the State, and are not set apart especially for local trade and local use, and if all traffic from without the State is not eliminated from the use of such cars and locomotives, they come within the meaning of the safety-appliance act by reason of the commerce clause of the Constitution. This proposed act goes no further than does the safety-appliance act. It goes just that far, and it ought not to be limited or curtailed by any very narrow construction when the purpose is to effectuate the remedy that the country is demanding.

Mr. BEVERIDGE. May I make a suggestion to the Senator from Colorado?

Mr. PATTERSON. With pleasure.

Mr. BEVERIDGE. Not only that, but it does not go nearly so far as the law applying to signals upon vessels carrying inter-

state commerce or that do not carry interstate commerce. It does not go nearly so far as that. Not only is what the Senator from Colorado says entirely true, but the act to which I refer goes very much further.

Mr. PATTERSON. I have no doubt that the statement made by the Senator from Indiana is correct. I have not had occasion, however, to examine the enactments with respect to that character of commerce or transportation. But I have, from a careful examination of the safety-appliance act and of the language of the pending bill, come to the conclusion that if the safety-appliance act is not in contravention of the powers of Congress under the interstate-commerce clause of the Constitution, then the language of the proposed act is in no wise in conflict with it.

Mr. BACON. Will the Senator from Colorado permit me for a moment?

Mr. PATTERSON. Certainly.

Mr. BACON. Has the Senator examined the language of the safety-appliance act?

Mr. PATTERSON. Yes.

Mr. BACON. I wish to ask him whether he agrees with the statement made yesterday by the Senator from Florida [Mr. MALLORY] in which he used language which I will quote from page 762 of the CONGRESSIONAL RECORD. Yesterday the Senator from Florida [Mr. MALLORY] said:

The act providing for safety appliances prescribes that the vehicles employed by the road shall be engaged in interstate commerce.

I have not myself examined the act, and I do not rise for the purpose of controverting any statement, but I will ask the Senator from Colorado, if he has the act before him, whether or not the safety-appliance act in terms applies to all railroads engaged in interstate commerce and relates to all their equipment, or whether it is limited to such vehicles employed by the roads as are engaged in interstate commerce?

Mr. PATTERSON. The language of the Senator from Florida was open to misapprehension or misconstruction. I fully agree with the Senator from Florida that the railroad equipment, whether locomotives or cars, must be engaged in interstate commerce, but it does not follow that, in order to require the equipment of a car with the safety appliances provided for by Congress, there shall be interstate commerce at any particular time in any particular car. In other words, if the locomotives or cars are for the general use of the road, and if the car has in it that which is properly termed "interstate commerce," and it is hauled one day, it is not necessary that such commerce shall be in the car the next day, or the next, or the next, before the provisions of the act apply. They are locomotives and cars engaged in interstate commerce within the meaning of the law. That is my reading of the law, and such is the interpretation placed upon it by the United States court of my State.

Mr. BEVERIDGE. And by the Supreme Court.

Mr. MALLORY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Florida?

Mr. PATTERSON. Certainly.

Mr. MALLORY. The Senator from Colorado stated that my language yesterday was subject to misapprehension or misconstruction. I do not exactly see from his statement how that is. I think, if the Senator has before him and will read that portion of the interstate-commerce act which relates to this particular matter, he will find that my statement covers it.

Mr. PATTERSON. If the Senator from Florida agrees with my interpretation of the language used in the interstate-commerce law, then I think I am justified in suggesting that it was to a certain extent misinterpreted by the Senator from Georgia.

Mr. BACON. Misunderstood.

Mr. PATTERSON. Yes; misunderstood.

Mr. BACON. I went simply by the letter of the language. I did not have the benefit of any comment made on it by the Senator from Florida.

Mr. PATTERSON. The language used in this bill, so far as that feature of it is concerned, is as carefully worded, in my opinion, as is the language of the safety-appliance act. And regret it as we may, however it may encroach upon the cherished notion of States rights and the wish of Senators and others that the States shall retain control of all such matters and there shall be no interference with them on the part of the Federal Government, the thing has already been accomplished; the Supreme Court has indorsed it; and the common experience of the country has approved it, so far as railroad transportation is concerned.

If we shall have an interstate-commerce law that exercises the most minute surveillance over the cars and engines of the railways of the country, as to the character of the goods transported, and if we are to have a safety-appliance law which simply relates to mechanical appliances for the protection of

human life, then surely we ought to have a law that will apply to the men who are to man those roads and do the transporting; men who, if their faculties are impaired by reason of long continuous service, set at naught the skill and the capital of the great corporations in giving the protection to human life that human life is entitled to receive at the hands of these quasi public corporations.

I treat with the utmost respect the hundred and more letters I have received from railway employees. Some who wrote to me are engineers; others are conductors; others are telegraph operators. They all point out objections to particular provisions of the proposed law, but not one of them objects to the measure on principle. And most of the writers labor under a misapprehension of the provisions of the bill, even taking the bill in the raw, as it was reported from the committee which had it in charge. Most of the objections contained in the letters presented by the Senator from Wyoming [Mr. WARREN] are as to the mere matter of detail, as all the objections, so far as I have been able to discover them, contained in the letters sent to me, refer to details, and not a single protest has come up against the principle involved in the bill.

I take it, Mr. President, that we may safely say this is a proposition that is unassailable. I do not care what the railway engineers and conductors and brakemen say. We may take it as a proposition that should not even be assailed—that no man should be permitted to serve on a railway train after he has been at work in that employment for sixteen consecutive hours, no matter how well he may feel, no matter what he may conceive to be his capacity to run a train safely, no matter what inconvenience he may suffer by reason of being compelled to desist. It is a proposition that can not be assailed successfully, when we take into consideration the great charges that are placed under his control and management, that no man should be permitted in the cab of a locomotive or to handle a brake, or even to collect fares from the passengers, after he has been at work for sixteen consecutive hours. There may be isolated cases where facilities will not be impaired, but they will be so isolated that they will hardly constitute an exception to a general rule.

So my motion about it is that those who have this measure in charge should perfect it, and perfect it by to-morrow. They should consider well the language that ought to be used to effect the reform that is necessary. Having done that, speaking for myself, I will vote for this measure more cheerfully than for almost any other measure that has received my vote during my service here.

Mr. SPOONER. May I ask the Senator from Colorado a question before he takes his seat?

Mr. PATTERSON. Certainly.

Mr. SPOONER. Would it not improve the language of the section to say "to remain on duty" more than sixteen hours instead of "to remain at work?"

Mr. PATTERSON. Yes.

Mr. SPOONER. The Senator made a suggestion that I think has great weight, but can he find some language to overcome the difficulty he suggested?

Mr. BEVERIDGE (to Mr. PATTERSON). Have you thought of any language?

Mr. PATTERSON. I have thought of some such suggestion as the following: Instead of saying "who have been at work for sixteen consecutive hours," use the language "who have been at work sixteen hours during a twenty-four-hour period."

Mr. BEVERIDGE. It is not "at work." It is "remain on duty" in the bill.

Mr. PATTERSON. Yes; "remain on duty" for a certain number of hours during a fixed period.

Mr. SPOONER. I had in my hand a copy of the substitute.

Mr. PILES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. PATTERSON. Certainly.

Mr. PILES. What would the Senator think of an amendment of this character? On page 1, line 8, of the substitute erase the word "consecutive" and insert after the word "hours" the words "during a period of twenty-six consecutive hours." In line 10 erase the word "consecutive" and, after the word "hours," insert "during such period;" so that it would read:

That on and after August 1, 1907, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, or any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen hours during a period of twenty-six consecutive hours, or to require or permit any such employee who has been in service sixteen hours during such period to perform further service without having had at least ten hours for rest.

I take it for granted that the point desired to be made is, that no man shall work more than sixteen hours, and that he shall also have ten hours for rest. So, if you fix a period of twenty-six hours and say he shall not remain in service more than sixteen hours during that period, it seems to me it would cover the case.

Mr. PATTERSON. As I now comprehend the suggestion made by the Senator from Washington, it would be much better than the language used, because the language now in the bill is totally ineffective, in my opinion. I think, however, in view of the suggestions made and the apparently general acquiescence in the proposition that the bill is ineffective at present, that we ought, before the hour for voting arrives, agree upon language that will meet the trouble.

Mr. CLAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. PATTERSON. Certainly.

Mr. CLAY. I wish to call attention to the fact that this bill evidently has not been very carefully drawn. If Senators will look on page 6, line 24, they will see that it provides as follows:

That to enable the Interstate Commerce Commission to execute and enforce the provisions of this act it shall employ such inspectors or other persons as may be necessary, and its agents or employees thereunto duly authorized by order of said Commission shall have the power to administer oaths, interrogate witnesses, take testimony, and require the production of books and papers.

That would authorize and empower the Interstate Commerce Commission, if it saw proper to do so, to employ a hundred or five hundred or even a thousand inspectors, and to fix such salaries as it might see proper to fix. As I understand—

Mr. BACON. Will my colleague permit me to ask him if he does not think it would require several thousand inspectors—

Mr. CLAY. I should hardly think that many.

Mr. BACON. All over the United States, with the 200,000 miles of railway?

Mr. CLAY. I believe there are about twelve or fifteen hundred thousand employees, and probably it would require a great number of inspectors, but if Congress is going to authorize and empower the Interstate Commerce Commission to employ inspectors to travel over the country and ascertain whether or not the proposed law has been violated, the number of inspectors who are to be employed ought to be named and the salaries of the inspectors ought to be fixed in the bill.

I can certainly never agree to support a measure which empowers the Interstate Commerce Commission to employ just as many inspectors as they want to and to fix the salary. The bill certainly ought to be amended in that particular.

Mr. PATTERSON. That is a matter as to which the Senator from Iowa can answer better than I can. But I would say this on my own account: Having in mind the paramount necessity for a measure of this kind, we could well afford to allow that provision to pass substantially as it is in order that during a year or so the Interstate Commerce Commission may have an opportunity to determine from actual experience the number of inspectors who ought to be employed and the salaries, and then, on report to Congress, let Congress take up the subject and determine in a more definite way what should be done in that direction.

I do not care about stickling at small things, and I say that without in any way intending to reflect upon the suggestion made by the Senator from Georgia [Mr. CLAY]. But that is a temporary matter. It would be permitted to last only so long as Congress should determine. There should be considerable latitude for experiment, actual experiment, before Congress is required to fix the number of inspectors; and I am inclined to think that the present Interstate Commerce Commission would not be any too extravagant in the matter either of the number of inspectors or the salary to be paid.

But, Mr. President, there is no trouble at all in suggesting objections to any such measure as this. It is drastic. There is no mistake about it. It will require, if the proper measure is passed, reorganization to a very considerable extent by railroads of their schedules—reorganization of the lengths of runs, it may be, and of the trains that are sent out. But that is a mere matter of detail also. When a wise and effective measure of this kind is passed, it will be discovered, in the future as in the past, that the railway companies are quite equal to the emergency. There will be no trouble about the readjustment by railway companies of schedules and the like when there is money in sight, when it is necessary to increase traffic, either freight or passenger. There ought not to be and there will not be any serious difficulty in the readjustment of schedules when Congress requires it at their hands, where the prime object to be secured is the preservation of human life, the preservation of

the limbs and the bodies of those who travel on the trains as well as of those who are engaged in operating them.

I ask leave to have printed in connection with my remarks four or five of the hundred-odd letters I have received. They are perhaps fair samples of the rest and discuss different topics, and really contain all of the objections that are urged.

The VICE-PRESIDENT. Without objection, consent is given. The letters are as follows:

HON. T. M. PATTERSON,
Senator from Colorado.

DENVER, COLO., January 3, 1907.

DEAR SIR: The present session of the House of Congress will consider and vote upon the enactment as a law of what is called the "sixteen-hour law," the object of which is to limit the hours of daily service of railroad employees.

I desire to register my objections to the adoption of this measure and its enactment as a law as a whole; in particular to that section reading "every violation of this law subjects both the company and the individual official who permits an employee to work more than sixteen hours or to resume work without taking for himself ten hours' rest to a fine of \$1,000." Under this law were I, a train dispatcher, to allow a train and enginemen and operators to remain on duty over sixteen hours I would be subject to a fine of \$1,000, and were I unable to pay it, imprisonment in a Federal prison.

There are and will continue to be occasions when it is impossible to prevent trainmen, enginemen, and operators from being on duty over sixteen hours, as in case of wrecks or failure of telegraph wires, and as a railroad employee of nearly nineteen years' experience I know that railroad companies do not compel employees of this class to work over sixteen hours, or even that many, where it is possible to release or relieve them.

The enforcement of this law would compel me, in order to protect my property and personal liberty and the welfare of my family, to give up my profession and begin over again at probably 40 per cent of my present salary, and I at an age when one is almost too old to enter a new profession.

As I am a registered voter of Denver and you are my personal representative, I ask that you use all your efforts to defeat the passage of the sixteen-hour law.

Respectfully, yours,
THOS. W. MCKINLEY,
Train Dispatcher, Union Pacific Railway.

DENVER, COLO., January 3, 1907.

HON. T. M. PATTERSON, Senator.

DEAR SIR: I desire to respectfully and firmly protest against the enactment of what is known as the proposed "sixteen-hour law," its purpose being to limit the hours of service of railway employees, especially that part which reads, "Every violation of this law subjects both the company and the 'individual official' who permits an employee to work more than sixteen hours or to resume work without taking ten hours' rest subject to a fine of \$1,000."

I am a train dispatcher, with fifteen years' experience, and know that railway companies do not wish their men to work more than sixteen hours without rest, and know that the rank and file of railroad men do not want such a law.

There are occasionally circumstances and conditions—storms, wrecks, washouts, etc.—where it is impossible for a dispatcher to prevent train and engine crews and telegraph operators from being on duty over sixteen hours without great hardship to them, also to the traveling public. Yet you could not explain it to the ordinary jury. The train dispatchers of this country are intelligent, law-abiding citizens, but with such an enormous fine or the Federal prison staring us in the face we would be compelled to seek another way of earning a livelihood.

I am a resident and voter of Denver and trust that you will give this bill your earnest opposition.

Yours, respectfully,
GEO. T. MEGINNESS,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., January 3, 1907.

HON. T. M. PATTERSON, Senator.

DEAR SIR: I desire to respectfully but firmly protest against the enactment of what is known as the proposed "sixteen-hour law," which has for its purpose "to limit" the hours of service of railroad employees, particularly that part which reads, "Every violation of this law subjects both the company and individual official who permits any employee to work more than sixteen hours or to resume work without taking ten hours' rest to a fine of \$1,000," as there are times and circumstances when it is impossible to prevent a crew or an operator from being on duty over sixteen hours and yet be almost impossible to explain to the ordinary juror why, and to subject the train dispatchers of the United States to such an enormous and drastic fine it would be impossible to pay, and the Federal prison, being our next alternative, will tend to compel the train dispatcher to give up such a vocation, as we can not take such chances, and after twenty years' experience as a train dispatcher and knowing how such a law will work the most untold hardship on railroad men in trying to do that which at times is simply an impossibility.

I beg you to do all in your power to defeat the said law.

Yours, truly,
J. G. BLATTENBERG,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., January 3, 1907.

HON. T. M. PATTERSON,
Senator from Colorado.

DEAR SIR: I desire to place this, my personal protest, against the proposed enactment known as the "sixteen-hour law," which has for its purpose to limit the hours of service of railway employees, particularly to that part of the bill which reads, "Every violation of this law subjects both the company and the individual official who permits any employee to work more than sixteen hours, or to resume work without taking for himself ten hours' rest, to a fine of \$1,000."

There are occasionally conditions and circumstances when it would be an absolutely impossible matter for a train dispatcher to prevent an operator or train crew from being on duty over sixteen hours, nor could an explanation be made for the reason that the circumstances leading up to such an event could never be satisfactorily explained to an ordinary jury before whom such cases should be tried. The techni-

calities of train rules, rights of trains, their superiority, washouts, and kindred troubles could never be explained in such a manner as would secure an intelligent verdict, even should this jury be made up of experienced railroad men, which would hardly be probable, as they are seldom required to serve in this capacity, and I doubt if the legal fraternity would allow satisfactory evidence given unless it would answer their purpose.

If the train dispatchers are subjected to such an enormous fine—\$1,000—and I doubt if even one-fifth of them could pay this fine—the result then would be your Federal prison would be occupied by many capable railroad officials. Personally, I am not ready to wear regulation prison garb. My physique, built on the "corpulent lines," would hardly become the horizontal line of this Government textile.

Therefore I protest vigorously and firmly against this law, and to consider such a proposition to make the fraternity of train dispatchers, composed of intelligent, true, loyal American citizens, subject to the penalty proposed by this outrageous law is certainly beyond any attempt yet made by our lawmakers.

I assert positively and without prejudice that those who have proposed such a measure do not represent the better and more intelligent element or the rank and file of the railroad fraternity, and having discussed this matter with quite a number of railroad men in the different departments, I find them a unit in condemning the measure and those who proposed it.

It is no doubt true that those who propose the measure have a following of considerable proportion whom they have induced, through misrepresentations and otherwise, to lend their support to the measure, holding out inducements that are neither understood or in the possibilities of railroading, and I trust that you will give this measure your earnest consideration and hearty opposition.

Yours, respectfully,
H. W. BARRE,
Dispatcher, Union Pacific Railroad.

DENVER, COLO., January 4, 1907.

HON. T. M. PATTERSON,

U. S. Senator, Washington, D. C.

DEAR SIR: I am inclosing herewith a number of letters from various fellow railroad employees asking that you use your best endeavors to defeat the recent Senate bill which provides that an employee shall not work or be permitted to work more than sixteen consecutive hours and must have at least ten hours for rest before being allowed to work.

In addition to these letters, I would like to state that in almost any instance where a man feels that he is in need of rest he has always been able to secure same by calling for it, and I know of no case where an employee has been punished by the railroad company for refusing to go out when he had been on duty as much as sixteen hours and had not had sufficient rest.

To diminish our salaries by restricting the number of hours we shall work, and add to our living expenses by compelling us to tie up on the road when the sixteen hours is up, probably only a short distance from home, I do not think is exactly just to us, and it is with the hope that you will do all in your power to defeat this bill that we are sending you these letters, which we have written of our own free will and not upon the instigation of any railroad or its officers.

Yours, very respectfully,
W. B. MORLEDGE,
Conductor, Chicago and Texas Railway,
Denver, Colo.

GENERAL PROTECTIVE BOARD, BROTHERHOOD OF
LOCOMOTIVE FIREMEN AND ENGINEERS,
UNION PACIFIC SYSTEM,
Cheyenne, Wyo., December 31, 1906.

HON. THOMAS M. PATTERSON,

United States Senate, Washington, D. C.

MY DEAR SIR: Referring to my telegram dated at Omaha, December 29, reading as follows:

"The General Protective Board of Brotherhood of Locomotive Firemen, Union Pacific Railroad, desires that you consider this a formal protest against the passage of so-called 'sixteen-hour law,' the purpose of which is to limit the hours of service of railway employees. Letter of explanation follows."

I desire to give you briefly some of our reasons for protesting against the passage of this bill. If it becomes a law, it will unquestionably decrease the earnings of all railway employees engaged in train service, as the companies will shorten their passenger and freight districts in order to enable them to get trains and crews over the road within the sixteen-hour limit, and as a matter of protection will increase the tonnage of trains in order to offset the expenditures incident to shortening of districts and the operation thereof. A greater number of men will have to be employed so the railroad companies will be in a position to comply with the law, as it necessarily will cause men to lay over at terminals greatly in excess of the ten hours' lay-over clause provided in the bill, and for this reason, therefore, it will require more men, and they can not possibly make fair average mileage and earn fair monthly wages, as they are paid on a mileage basis.

Trainmen's living expenses away from home will be increased about 33 per cent over the present system on account of their being required to be away from home terminals so much longer. The railroad companies will pool engines and cabooses, which has been tried heretofore and resulted very unsatisfactorily. Trainmen away from home terminals live in and prepare a great many of their meals in their cabooses. Pooling the engines and cabooses will prevent this being done.

A large percentage of railroad employees in train service own their own homes, representing the savings of a lifetime. In this western country a great many of the terminals are what might be termed "railroad towns," and are supported almost exclusively by employees of railroad companies. If terminals are changed such towns would be abandoned, and the loss to employees would be enormous, practically meaning the financial ruin of many of them. It would also deprive the children of employees of educational advantages which they now enjoy, as it would be years before similar facilities would be available at the new terminals.

It is now impossible to man western railroads with experienced men. The passage of this bill would require the company to largely increase their force, which could only be done by employing new and inexperienced men, thereby creating greater risk and hazard of accident than the overworking of men could possibly cause. It would also make the positions of railroad employees in train service less inviting, and a great many of our old men would seek other avocations, thus increasing the number of new men in the service. The experienced railroad

men alone realize that a great number of accidents to-day are caused by the "student" or inexperienced man, and they only can appreciate the care and vigilance which must be exercised in watching the movements and actions of new men in connection with the operation and safety of life and property intrusted to their care. If the public realized, as does the experienced railroad man, the element of danger that exists in introducing new men into the service it would be very reluctant in giving support to this measure.

The compulsory ten-hours-rest clause in the bill will compel men to tie up at times for rest at points where there are no accommodations, and at the end of ten hours they will be in worse physical condition than if they had continued to the end of their run.

Passenger and freight runs on the western railroads are adjusted so that under normal conditions the men make their runs within the usual hours constituting a day's labor. Excessive number of hours on duty is the exception, not the rule.

The apparent object of this bill is to materially reduce the number of accidents, the number of hours on duty, and the tonnage of trains in order to get them over the road at a higher average rate of speed. So far as the accident feature is concerned, there has never been an accident on the Union Pacific Railroad, to our knowledge, caused by employees being on duty an excessive number of hours. Regarding the reduction of the average number of hours on duty, and a reduction in the tonnage of trains, it will have the opposite effect, for, as stated above, the company, in order to protect itself and offset its increased expenses made necessary by shortening the districts, will increase the tonnage, and instead of having over 80 per cent of its trains averaging less than twelve hours over the district, as is the case on the Union Pacific to-day and has been for some months, the greater percentage of the trains will average closer to the sixteen-hour limit on account of the increased tonnage.

Yours, truly,

C. V. McLAUGHLIN.

Mr. LA FOLLETTE obtained the floor.

Mr. BRANDEGEE. Will the Senator from Wisconsin yield to me for a moment?

Mr. LA FOLLETTE. Certainly.

Mr. BRANDEGEE. I desire to present an amendment in the nature of a substitute for the pending bill, and inasmuch as the time is so short before we shall be called upon to vote on the amendments and the bill, I ask unanimous consent that the amendment may be printed in the RECORD to-morrow morning.

The VICE-PRESIDENT. The Senator from Connecticut asks unanimous consent that the amendment proposed by him may be printed in the RECORD.

Mr. GALLINGER. And also in the usual form.

Mr. BACON. If it is not too long, Mr. President, I hope it may be read now.

Mr. BRANDEGEE. It is very short.

The VICE-PRESIDENT. The amendment will be read at the request of the Senator from Georgia.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train by which such commerce is conducted, or to require or permit any employee engaged or connected with the movement of any train by which such commerce is affected, to remain in service more than sixteen consecutive hours, except when on account of an emergency, which by reasonable care on the part of such common carrier, its officers or agents, could not have been avoided, he is prevented from reaching his terminal; or, except in such emergency, to require or permit any such employee, having been in service as aforesaid, to go again into service without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, knowingly violating any of the provisions of this act, or any employee who by any false representation or concealment of fact procures himself to be employed in violation of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than \$1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

SEC. 3. That the provisions of this act shall not apply to employers operating wreck or relief trains.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I will yield for a question.

Mr. TELLER. I wish to make an inquiry. I understand that we have agreed to vote to-morrow at 3 o'clock. I understood the Chair to rule that we could not vote on the amendments until 3 o'clock.

The VICE-PRESIDENT. The Chair has not so ruled in connection with the pending bill.

Mr. TELLER. Then the statement was made by some Senator that we could not vote before 3.

The VICE-PRESIDENT. The Chair is not aware that the question has been addressed to the Chair.

Mr. TELLER. I should like to know whether in the opinion of the Chair we can vote on the amendments prior to 3 o'clock to-morrow.

The VICE-PRESIDENT. The Chair is of the opinion that under the terms of the unanimous-consent agreement there can be no vote upon amendments before 3 o'clock to-morrow.

Mr. TELLER. I believe the Chair is right in that opinion. I think that is the construction which has been put upon this kind of an agreement. I wish to ask the Senator who has the bill in charge if he will not call up the bill as early as possible to-morrow to give some of us a chance to say a few words about the bill, which apparently we will not have an opportunity to say to-night.

Mr. LA FOLLETTE. I was about to give notice to the Senate that as soon as the routine business is disposed of to-morrow I shall move to take up the bill, so that as much time as possible may be given to its consideration. I had also thought of asking unanimous consent that the Senate meet at 11 o'clock instead of 12 to-morrow, that we might have another hour for the consideration of the measure.

Mr. CULLOM. The Senator from Wisconsin was kind enough to mention that to me, and I would gladly consent but for the fact that there is a full meeting of the Committee on Appropriations at half past 10 to-morrow, and I know it will last until 12, for the consideration of an appropriation bill which will be up before the committee at that time.

Mr. WARREN. I would also like to state that the Committee on Military Affairs will meet at 11 to-morrow morning, and that will require the attendance of some thirteen Senators. I do not believe it will be practicable to get a quorum of the Senate before noon.

Mr. LA FOLLETTE. Then I will simply say that as soon as the routine business is disposed of in the morning I will move to take up the bill for consideration.

I have here a communication with respect to such amendments as were proposed to the bill prior to yesterday, from the legislative representative of the several brotherhoods of trainmen, and, as I think all Senators must realize that a discussion of the several amendments from the standpoint of an intelligent railway employee will be helpful to the consideration of the bill by the Senate, I shall ask the Secretary to read the letter which I have from Mr. Fuller.

First, with reference to Mr. Fuller's right to speak for the railway men of the country, I wish to read the following:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
BROTHERHOOD OF LOCOMOTIVE FIREMEN,
ORDER OF RAILWAY CONDUCTORS,
BROTHERHOOD OF RAILROAD TRAINMEN,
Cleveland, Ohio, November 21, 1906.

To whom these presents may concern, greeting:

This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the representative of the above-named organizations at Washington, D. C., during the second session of the Fifty-ninth Congress, in matters pertaining to national legislation.

W. S. STONE,
Grand Chief Engineer Brotherhood of Locomotive Engineers.
JOHN HANNAHAN,
Grand Master Brotherhood of Locomotive Firemen.
A. B. GARRETTSON,
Grand Chief Order of Railway Conductors.
O. H. MORRISSEY,
Grand Master Brotherhood of Railroad Trainmen.

H. R. FULLER, Representative.

As showing further authority upon Mr. Fuller's part to speak for the national organizations in this matter, I will read a letter addressed by Mr. Fuller November 3, 1905, to the President, which I have permission to present:

WASHINGTON, D. C., November 3, 1905.

To the honorable the PRESIDENT OF THE UNITED STATES,
Washington, D. C.

SIR: At conference between Grand Chief Engineer Stone, of the Brotherhood of Locomotive Engineers; Grand Master Hannahan, of the Brotherhood of Locomotive Firemen; Grand Master Morrissey, of the Brotherhood of Railroad Trainmen, and Grand Chief Conductor Clark, of the Order of Railroad Conductors, Mr. H. R. Fuller was again selected as legislative representative for the above-named organizations.

The undersigned were instructed by this conference to respectfully request that, if it has not already been done, you invite the attention of Congress to the following matters of legislation in which the railroad employees are vitally interested and on some of which they have long sought favorable action:

First. What is commonly termed "anti-injunction legislation." We still favor the enactment of a law which will prohibit the issuance of injunctions in labor disputes, except after hearing.

Second. Employers' liability. We feel that there is great need for some legislation on this subject. We realize the difficulties, if not the impossibility, of eliminating the doctrine of "contributory negligence,"

and while our representatives will seek to have reintroduced the measure that was before the last Congress, we shall be ready to meet such reasonable amendments thereto as may appear to be necessary.

Third. We think the attention of the Congress should be called to the importance of preventing railroad companies from keeping employees on duty so many consecutive hours as to render it simply impossible for them to perform with efficiency and safety the duties devolving upon them and upon the faithful performance of which so much depends.

Respectfully, yours,

H. R. FULLER, *Secretary.*

Attest:

E. E. CLARK, *Chairman.*

I have just received during the afternoon the following telegram from the grand chief engineer of the Brotherhood of Locomotive Engineers, Mr. W. S. Stone:

CHICAGO, ILL., January 7, 1907.

Hon. R. M. LA FOLLETTE,
Senator Wisconsin, Senate Chamber, Washington, D. C.

I am informed that amendment to hours of service bill have been introduced by Senators FORAKER and GALLINGER. The purport of these amendments are to penalize employees for working more than limited hours on duty. We believe this is an unjust and unfair discrimination, as the employee must either remain on duty or be forced to place himself in a position of insubordination to his superior officer. You can readily understand that he can not afford to do this, as it would jeopardize his position, and we earnestly protest against any such amendments being enacted, and we hope you will do everything possible to prevent same.

W. S. STONE,

Grand Chief Engineer Brotherhood Locomotive Engineers.

I have received from other organizations telegrams indorsing and approving this legislation. The first that I will read is as follows:

FOND DU LAC, WIS., January 8, 1907.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Lodge 516, Brotherhood Trainmen, representing 100 men, urges your support bill S. 5133.

J. B. HARRIS, *Secretary.*

I have also received the following telegram to the same purport:

MILWAUKEE, WIS., January 7.

Senator ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

The members Order Railway Conductors, Division 259, Fond du Lac, Wis., urge the passage of the sixteen-hour labor-limit bill.

V. O. ZIMMERMAN,
Secretary No. 259, Fond du Lac, Wis.

Also the following telegram:

SUPERIOR, WIS., January 8.

Senator LA FOLLETTE (or SPOONER),
United States Senate, Washington, D. C.:

We earnestly urge you to use all your influence in passing bills 9328 and 5133.

D. D. BONER,

Secretary Brotherhood of Railway Trainmen, 450.

I received also this morning in the mail a letter from the State chairman of the Brotherhood of Railroad Trainmen of Indiana, in which he states:

Your sixteen-hour bill is a good one, and all the railroad men in the United States want this bill to pass, but the railroad officials are compelling men to sign petitions against it.

I will send to the desk and ask to have read the letter of Mr. Fuller analyzing and discussing somewhat the amendments that have been offered to the bill prior to those offered yesterday and to-day.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

H. R. FULLER, 216 NEW JERSEY AVENUE NW.,
Washington, D. C., January 8, 1907.

Hon. R. M. LA FOLLETTE,
United States Senator, Washington, D. C.

DEAR SENATOR: In compliance with your personal request that I write you regarding the proposed amendments to the pending bill, S. 5133, limiting the hours of service of railroad employees, I respectfully submit the following:

The words "unavoidable accident," as contained in the amendment to section 1, offered by Senator GALLINGER, are susceptible to too broad interpretation, and in our minds would open wide the door for evading the law. Under it an accident might be classed as "unavoidable" by applying the circumstances existing at the time it happened, yet the accident might be the result of previous mismanagement on the part of the railroad company, which would be a very difficult matter to prove. For instance, a locomotive might give way when out on the road, and the real or primary cause of its failure was the lack of proper inspection or repairs before it was sent out from the terminal. Hot journals on cars are generally the result of lack of inspection and care at terminals by the managements, but it would be a difficult matter to prove this after these journals had become heated on the road and the contents of their packing boxes had been consumed by fire. The word "casualty," as it appears in this section as reported by the committee and as proposed by you, covers all real unavoidable accidents, and should be sufficient.

The words "except in an emergency," as proposed by Senator FORAKER to section 1, would, if adopted, render nugatory the whole bill, as emergencies can come as a result of bad management and neglect as well as from unavoidable causes.

The words "having been on duty for sixteen consecutive hours immediately before," as proposed by Senator McLAURIN, we have no objections to.

The amendment of Senator FORAKER, substituting "eight" for "ten," is objectionable for the reason that eight hours' rest is not sufficient for an employee who has been on duty sixteen hours.

The substitution of the words "off duty" for the words "for rest," as proposed by Senator GALLINGER, are not objectionable, providing the period "off duty" is not fixed at less than ten hours, as there is considerable difference in allowing a man ten hours for rest and allowing ten hours off duty, as considerable time is consumed in going to and returning from their homes before and after they have taken rest.

Would suggest that the last two amendments on pages 4 and 5, which were offered by Senator McLAURIN and yourself, which provide periods of eight hours' rest for employees who have been on duty ten and less than sixteen hours, be not adopted.

The words "or employee knowingly," as offered by Senator GALLINGER, and which appear at the top of page 6, would penalize the employee the same as the railroad company, and we seriously object to this for various reasons.

First, we object on broad grounds to having the railroad employees of the country put under a criminal code enacted by Congress, and we believe the passage of such an amendment would serve as an entering wedge by which the adoption of such a code will be sought. Railroad employees can not, and do not, claim or ask immunity for offenses committed by them, but like all others they prefer to answer to all such accusations under the laws and in the courts of the States of which they are citizens rather than to answer in the Federal courts, where, in such cases, their past experience has taught them their liberties and rights as citizens have not been properly conserved.

Second. The carrier creates the conditions under which men are required to work, and it is to it that the Government should look for the safe transportation of persons and property. No employee in train service can work excessive hours without the knowledge of the carrier, as a record is kept, or should be kept, showing the time all such employees go on or are relieved from duty; and it is therefore impossible for an employee to deceive the carrier as to the time he has been off or on duty. The adoption of such an amendment would in many cases defeat the purpose of the act, for the reason that it would prevent the Government from using the employee as a witness, as the employee could not be compelled to give testimony which would incriminate himself.

To those acquainted with the practical operation of a railroad it can be readily seen that such a provision in the law would be used to defeat its purpose in this way.

A train dispatcher, who is the person responsible for the prompt movement of trains, could, in order to cover up his own mistakes which had caused delay, get the employees within a few miles of their homes within the maximum time, and knowing the great temptation for the men to get home, would say to them that he did not know how long they had been on duty, and influence them to stretch the time sufficiently to enable them to reach their homes. It would encourage this practice, which would have the effect of delay rather than an effort to move trains with dispatch.

This same argument applies to the amendment proposed by Senator FORAKER.

The amendment of Senator GALLINGER, on page 6, which requires that suits shall be brought within one year, is also objectionable. The general statute of limitations, as I understand it, is three years, and we can see no good reason why a railroad corporation—an artificial person—should be exempted from it.

The amendment offered by Senator GALLINGER, which provides "that the provisions of this act shall not apply to crews of wrecking and relief trains," is proper, and either it or the similar one offered by you should be adopted.

The amendment offered by Senator McLAURIN, on page 7, and which is to be a new section numbered 3, should not be adopted, for the reason that employees of railroad companies are not given greater rights for recovery for injuries in the national employers' liability law, and we think this amendment would narrow that right on account of it being a subsequent act.

Very truly, yours,

H. R. FULLER,
Legislative Representative.

Mr. CULLOM. Mr. President—

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. Yes, sir.

Mr. KEAN. Will the Senator from Illinois yield to me?

Mr. CULLOM. I yield to the Senator from New Jersey, who has some matter which he desires to put in the Record.

Mr. KEAN. I have here an analysis of the so-called "Mosely Accident Table," made by Mr. F. C. Rice, of Chicago, which I should like to have printed in the Record.

The VICE-PRESIDENT. Is there objection? The Chair hears none. It is so ordered.

The matter referred to is as follows:

THE MOSELY ACCIDENT TABLE.

There has been filed in the House Committee upon Interstate Commerce and published over the country a table prepared in the office of the secretary of the Interstate Commerce Commission of 86 cases compiled from the accident reports of railroad companies purporting to be, all of them, cases of accidents caused by men being overworked, and therefore proofs of the necessity for this legislation.

This table covers a period of five years. Thousands of these accident reports are filed every year. From these thousands some one has culled out and tabled every instance during the five years where, through any construction of language, inference can be drawn that a man connected with that freight train was "on duty" sixteen hours or over. Fourteen of them show on their face that no employee was on duty over sixteen hours and would not be covered by the proposed bill. They should not, therefore, have been included in the table.

The phrase "hours on duty" has been construed by the compiler in a manner calculated to mislead. Many cases are cited as showing an employee "twenty-four hours on duty," or "nineteen hours on duty," which were round-trip runs, and the crew had six to nine hours for rest and sleep at the turning point and were therefore not over ten hours on continuous duty. The compiler has ignored these rest hours and called the entire period that the man was under pay as "hours on duty."

Investigation shows that few of these 86 cases were, in fact, instances which this law ought to cover. Several of them are turn runs—that is,

round-trip runs on branches which it is not practicable to operate in any other manner. Some of them were wrecking crews engaged in opening road obstructed by snow or landslides, and should not have been inserted in the table at all.

While the table covers a period of years, it is not arranged chronologically nor alphabetically, nor are all the accidents upon one railroad grouped together. The principle which seems to have guided the compiler is that of effectiveness. He has placed at the head of the list every case where it was possible to use the words "Asleep on track." This may be effective, but can hardly be regarded as fair.

In this table the reports of the railroads themselves are made to constitute the strongest argument that is put forward for this measure, but, as a whole, it is a misrepresentation. The reports, as actually filed by the companies, do not justify the statements there ascribed to them.

This is clear from the following comments by the officials who made a majority of the reports; in other cases the companies have not yet furnished the facts.

CASE No. 8.

Statement of cause: "Fell asleep while sitting on track; struck by train. Hours on duty, 17."

The facts: The language of the company's report to the Commission was: "It is supposed that he fell asleep while sitting on the track." This man had not been on duty 16 hours. He started at 5.05 a. m., arriving at Conway yard at 12.56, a run of less than 8 hours, and then laid at Conway yard 3 hours 4 minutes. He met with the accident at 8.55 p. m., or after 4 hours 55 minutes of service. It was impossible to make the crew take 10 hours' rest at Conway yard. They would very much oppose it; there were no facilities there, and the crew would very much prefer to make the return trip and rest at home.

CASE No. 9.

Statement of cause of accident: "Sat on track; went to sleep; struck by train. Hours on duty, 23."

The facts: Weaver, the brakeman, had made the going out trip from Springfield to Newburg in 6 hours 35 minutes. He had 1 hour and 30 minutes for rest; his train was called for 5 p. m., he expecting to make the return trip in about 6 hours. He was delayed 2 hours, switching, at Newburg; 3 hours at Lebanon, meeting passenger trains. He was thus on duty continuously from 5 p. m. until arrival at Marshfield at 7.38 the next morning, where he was injured, 14 hours 38 minutes. At the time he was called for the return trip he had only been on duty 6 hours 35 minutes, and could then have had additional rest if he had asked for it.

Before starting he had had more than 19 hours' rest.

CASE No. 10.

Statement of cause of accident: "Engineman dropped crown sheet, blowing out grates, ash pans, and connections. Hours on duty, 23."

The facts: The company's report shows that in a snowshed the engine dropped crown sheet; the fireman was in the act of putting coal in the fire box when the accident occurred. The fireman had been on duty 11 hours 25 minutes. The engineer had been on duty 11 hours 25 minutes. The only member of the crew who is claimed to have been on duty 23 hours was the brakeman, who had nothing whatever to do with the accident. No member of the crew who had anything to do with the accident had been on duty longer than 11 hours 25 minutes, with 15 hours' previous rest. The cause of the accident was remote from any question of hours on duty.

CASE No. 19.

Statement of cause: "Out flagging; went to sleep on track. Hours on duty, blank."

The facts: This case should not have been reported. The company's report states: "No one saw the accident;" so that it is mere assumption as to the cause of the injury.

The proposed sixteen-hour law would have no effect in this case; the accident was the result of a wreck, which occurred before the crew had been on duty sixteen hours. The whole trouble was due to a casualty beyond the control of the company.

CASE No. 20.

Statement of cause: "Crew falling asleep. Hours on duty, 27."

The facts: The statement made by the company to the Commission was as follows: "Had been on duty 27 hours, with 4 hours intervening sleep, behind a landslide."

Additional facts regarding this crew are given as follows: "It was a round trip, and the crew was on duty 11 hours 55 minutes east bound, and spent four hours of this time behind a landslide. At the terminal they had 3 hours 12 minutes further rest before making the west-bound run, which occupied 10 hours, 23 minutes. They made no request for further rest. Their longest continuous duty was 11 hours 55 minutes, east bound, of which 4 hours was behind a landslide."

CASE No. 25.

Statement of cause: "Running down grade too fast. Hours on duty, 18."

The facts: Collision was due entirely to the manner in which the engineer handled his train of 33 freight cars. He was running down grade at a high rate of speed, and did not begin to hold up in time to pass through the station under proper control; when he found the semaphore set against him, he could not get the train stopped in time to avoid collision. No claim was made that hours on duty had anything to do with the excessive speed of train.

CASE No. 26.

Statement of cause: "Running at high rate of speed. Hours on duty, 18."

The facts: The length of time on duty had no bearing on this accident. The company's report states: "The responsibility for the accident rests with the engineer of extra 203. It appears that he turned over the hill, approaching Guthrie, at too high rate of speed, and did not start to apply air brakes at the proper time. He also wasted the air pressure by making two light applications, so that when he found that he was not going to stop before reaching the crossing, and attempted to make an emergency application, he was unable to get the proper effect from the brakes."

CASE No. 28.

Statement of cause: "Snow plow ran into rear of caboose. Hours on duty, 18."

The facts: This train was fighting snow in the dark, opening up the line of road, and it was an impossibility to relieve the crew at the end

of sixteen hours. In the confusion the snow plow struck the rear of a freight train standing on the main track at station.

CASE No. 29.

Statement of cause: "Let engine run at other end of switch and fouled main track. Hours on duty, 18."

The facts: The schedule time of the train was 9 hours 30 minutes. The train on this day met with very unusual delays; but a great part of the time was put in at stations where there was nothing for the crew to do. The accident really occurred from the failure of the flagman to put down torpedoes, which failure can not be attributed to long duty hours. There is very light traffic on this line; and it was unusual to have a wreck train to look out for, which was the kind of train that ran into them.

CASE No. 30.

Statement of cause: "Engine crew of freight train forgot passenger train. Hours on duty, 19."

The facts: An extra freight train collided with a passenger train that was on time, the engine crews of the freight train forgetting passenger train. The freight train was within twenty minutes of the end of their run, and there is nothing to indicate that any member of its crew was not wide-awake. Their being on duty over sixteen hours was caused by the delay in doing switching and meeting trains en route and getting a helper engine at Navarre, and this being within an hour's run of their home terminal, and there being no facilities at that point for taking care of the engine and crew, there was no way that the crew could be cut out of service at the completion of their sixteen hours' duty.

CASE No. 31.

Statement of cause: "Failed to wait prescribed time. Hours on duty, 15."

The facts: The immediate cause of this accident was the failure of the conductor to wait at Kise the prescribed time after the departure of No. 38, and for running through the dense fog at too high a rate of speed, knowing that No. 38 was only a few minutes ahead of them. The conductor who was responsible for the accident had been on duty six hours and forty minutes. This accident could not be attributed to overwork.

CASE No. 32.

Statement of cause: "Head-on collision of freight and extra. Hours on duty, 21."

The facts: The length of time the men had been on duty had nothing to do with the accident. It occurred in broad daylight, with a freight train pulling into the yard and the switch engine standing on the main track having hold of some cars on a spur. The flagman of the switch engine gave the engineer of the freight a stop signal, which he mistook for a signal that the track was clear. When the signal was given he had the air brakes applied, and then released them; and upon getting the second stop signal he did not have time to pump up his air to get sufficient pressure to apply the brakes to prevent the collision.

CASE No. 33.

Statement of cause: "Failure to flag train. Hours on duty, 15."

The facts: The company's report states: "Extra stopped, account air sticking, and conductor and rear brakeman failed to flag the regular train following." The crew had been on duty fifteen hours, after forty-eight hours' rest.

CASE No. 34.

Statement of cause: "Overlooked open switch. Hours on duty, 20."

The facts: Accident caused by running into open switch. The engineer was at fault for failing to notice that switch light was not burning. He had been on duty ten hours forty minutes at the time, including two hours' lay-over at St. Louis, and had twenty-five hours' rest before going out. Blame also attached to the brakeman, who had requested the fireman to close the switch, and the latter agreed to do so. Both the brakeman and fireman had been on duty about ten hours from Galesburg, where they had a four-hour lay-over. In order to get twenty hours for the brakeman and fireman, the time going and returning, including the four-hour lay-over at Galesburg, must be included. They had both had forty-four hours' rest before going out.

There is nothing to show that excessive hours had anything to do with this accident.

CASE No. 35.

Statement of cause: "Engineman asleep. Hours on duty, 9 1/2."

The facts: The report of the company to the Commission states: "Engineman Morgan, who was instantly killed, supposed to have been asleep."

CASE No. 36.

Statement of cause: "Conductor not being out on train. Hours on duty, 20."

The facts: The general manager of the Baltimore and Ohio, of date November 27, 1906, writes: "The words 'conductor on duty twenty hours' do not appear in our report. As a matter of fact, the train crew had been on duty thirteen hours, thirty-nine minutes. The hours on duty had nothing to do with the accident, which was caused by the train being parted. But for a dense fog they would have known their train was parted before they struck."

Some one seems to have inserted the words "conductor on duty twenty hours" in the company's report without their knowledge.

CASE No. 38.

Statement of cause: "Engineman failed to have engine under control. Hours of duty, 20."

The facts: There is nothing to indicate that this accident was caused by anybody being asleep. The statement made by the company to the Commission is that it was caused by the engineman's "failing to approach the end of the double track under full control."

The letter from the general manager says: "The words 'engineman in service since April, 1900, on duty twenty hours' do not appear in our copy of the report sent in to the Interstate Commerce Commission."

This was a round-trip run.

CASE No. 39.

Statement of cause: "Carelessness of engineman. Hours on duty, 17."

The facts: "Engineer had been on duty five hours and twenty minutes, previous to which he received nine hours' rest."

The foregoing appears in the company's report to the Commission.

CASE No. 42.

Statement in table: "Misunderstanding of signals. Hours on duty, 18."

The facts: There was no claim that this accident occurred on account of the hours of duty. There was a dispute between the bridge watchman and the engineman, the bridge watchman claiming that he had opened the draw for a boat and had signaled the engineer to stop. The engineman claimed that he had made the stop and had afterwards received a signal from the bridge tender to come ahead.

These facts were fully stated in the company's report to the Commission.

CASE No. 43.

Statement in table: "Crew not taking proper precautions. Hours on duty, 24."

The facts: This statement is not correct. The crew on engine No. 151 were held responsible for not keeping a lookout to see the snowplow, which was only ten car lengths ahead around the curve of the hill. This crew had only been on duty eleven hours and had had twenty-four hours' previous rest. The other crew was on a snowplow at a time when the weather conditions were unusually severe, and it was practically impossible to keep the snowplow crew within the sixteen hours. It was the duty of the brakeman to look after the rear of the train, and he had had eight hours' rest before leaving Traverse City; so that he had been on duty only ten hours at the time of the accident.

No one in any way responsible for the accident had been on duty more than eleven hours.

CASE No. 44.

Statement in table: "Engineman disobeyed orders. Hours on duty, 15."

The facts: This accident was caused by disobedience of orders, having no relation to length of hours.

CASE No. 46.

Statement of cause: "Engineman; train getting away. Hours on duty, 17."

The facts: The report of this accident made by the company to the Commission is as follows: "The evidence shows that the train had been stopped at Wilsons on account of trouble with brake rigging on eighth car from the engine. They took brake head off brake beam and cut air out. The train made a very smooth run until reaching Hitchcock's tunnel, where it was noticed that it commenced to run at an excessive speed. Brakemen doubled and applied hand brakes on all cars, and in so doing broke brake chains, rendering three additional brakes inoperative."

The entire crew were very wide awake and alert, and the accident was caused solely by trouble with the brake appliances.

CASE No. 47.

Statement of cause: "Conductor failed to give signal. Hours on duty, 15; hours of rest, 25."

The facts: The train backed into an open switch, and the conductor, engineer, and brakemen were held jointly responsible for the accident. The hours of service had absolutely nothing to do with the accident. The conductor, Devaney, and the brakeman, Miller, who were primarily responsible, had not been on duty to exceed six hours at the time of the accident.

CASE No. 48.

Statement of cause: "Disobeyed signals. Hours on duty, 48, 47½ hours."

The facts: This was a wrecking crew. There had been serious freshets just previous to this accident, and the train in question had been handling a pile driver and carpenter force in repairing washouts. At the time of the accident they were returning to Olean, where they would have discontinued work. They were only technically on duty forty-seven and one-half hours. While waiting for the carpenters to do their repair work the train crew had frequent and extended intervals of several hours at a stretch when they secured sleep and rest. It was an impossibility to relieve this crew and put another in their place while they were on this duty because of these washouts, the result of spring freshets, and we were obliged to adopt the most available means for resuming the operation of the road. No one was claiming to be overworked at the time of the accident. It was a question of veracity. The operator who gave the signal claimed that it was "red," while the train crew claimed that it was "white."

The report of the company to the Commission states: "Investigation indicates that operator was at fault for the accident, but responsibility could not be definitely placed." If so, the train crew were not responsible, and in any event their hours of service were not a contributing cause.

CASE No. 51.

Statement of cause: "Did not keep lookout. Hours on duty, 17½."

The facts: This train had just reached its destination. The Pennsylvania Company were at that time (1903) constructing second main track over this division, and the freight trains were unusually and unavoidably slow on this account. The long hours could not have been prevented, as the company was doing everything possible and spending large sums of money to provide two tracks in order to prevent just such delay. This accident was in no way due to long hours. If the fireman had been on his seat box as they pulled from one yard track to another, he would have seen the engine ahead in time to notify the engineman.

CASE No. 54.

Statement of cause: "Flagman failed to get back proper distance. Hours on duty, 17½."

The facts: This was a round-trip run from Nashville to Hollow Rock Junction and return. Hollow Rock Junction was a very unhealthy place, and the men much preferred to return to Nashville. The trip could ordinarily be made within the sixteen hours. The accident was primarily caused by the engineman on No. 59 failing to keep proper lookout for an extra ahead. He had been on duty 11½ hours, prior to which he had 9½ hours' rest. The hours of duty had nothing to do with this accident. The engineman knew that the extra was right ahead from the fact that he had seen them only 8 miles from the point of collision. They failed to approach the station under proper control.

CASE No. 55.

Statement in table: "Not properly equipped with flagging signals. Hours on duty, 18."

The facts: The report of the company to the Commission states: "The conductor, engineer, and flagman on freight train were responsible for this accident, on account of not seeing that they were properly

equipped with flagging signals, and the flagman had not been properly instructed how to use the same."

CASE No. 56.

Statement of cause: "Running at too high rate of speed; foggy weather. Hours on duty, 17."

The facts: The record shows that these men had been on duty sixteen hours and two minutes. At the time of the accident they were only 3 miles from their terminal station. The length of time on duty had no bearing on the accident, which was due to high rate of speed under a caution signal in a dense fog.

The accident happened at the nearest point where a train could have been sidetracked at the expiration of sixteen hours.

The train was on the road so long on account of the cold weather, which delayed both it and the trains it met along the road.

CASE No. 58.

Statement of cause: "Enginemen not seeing flagman in time on account of smoke. Hours on duty, 20."

The facts: The length of time the crew had been on duty was not responsible for the accident. All the members of the crew were awake and alert, and the flagman had gone back and given the proper signal, but it was obscured by the smoke from the engine. There was no reason for anyone to think that the signal could not be seen. The accident resulted solely from the obscurity thus caused, and not from any negligence whatever.

The report made by the company to the Interstate Commerce Commission shows this clearly. The flagman who gave the signal was a member of the crew of a switch engine which on Sunday had been sent to Logansport for repairs and was returning. The condition of the engine delayed the train, and the collision occurred while they were stopping on the main track to blow up steam. The other train involved was a work train also, en route to Logansport to remain over Sunday for repairs.

CASE No. 59.

Statement of cause: "Engineman of freight pulled out ahead of passenger train. Hours on duty, 17."

The facts: This man had twenty hours' rest before starting to work. He was on a turn run, and there was no opportunity for him to take rest until arrival at Logansport. The men very much prefer returning to their home terminal, rather than to lay over at Bernice, where there was no opportunity to take proper rest. This occurred in 1901.

There is nothing to show that the accident was caused by excessive hours.

CASE No. 60.

Statement of cause: "Improper flagging. Hours on duty, 16."

The facts: The accident was caused by the failure of the brakeman to place torpedoes on the track. He stated that he did not consider the use of torpedoes necessary. He had been on duty a little over sixteen hours, but no claim was made that the accident was caused by excessive hours.

CASE No. 61.

Statement of cause: "Disobeyed rule respecting open switch. Hours on duty, 20."

The facts: A work train was standing on track in gravel pit, and switch leading from main line was left open. An express train dashed through the switch, resulting in a collision. The responsibility rested with the switchman, who failed to follow the rule of the company: "Whoever opens a switch shall remain at it until it is closed, unless relieved by some other competent employee." There is not a word of evidence to show how long the man who left the switch open had been on duty. The record simply shows that the engineman, who apparently had nothing to do with the switch being left open, had been on duty about twenty hours; but there is nothing to indicate any connection between this and the accident.

CASE No. 62.

Statement of cause: "Engineman responsible, not keeping proper lookout. Hours on duty, 22."

The facts: This accident occurred in daylight; nothing to show that the engineer was asleep. He simply failed to approach the station with his engine under proper control. Instead of being on continuous duty for twenty-two hours, the report of the company shows that he had five hours of rest within that period. The rest period may have come at such time that he had only eight hours of continuous service.

CASE No. 63.

Statement of cause: "Approaching station at too high rate of speed to stop after seeing signal. Hours on duty, 17."

The facts: There is nothing to indicate that the accident was due to overwork on the part of the engineer. It was simply a case of error of judgment in the use of air brakes. The statement made by the company to the Commission was as follows: "No. 14 arrived just south of station and was slowing up to take siding. No. 15 approached the station at too high a rate of speed to stop after seeing red signal, although the operator had placed a torpedo on the track about 800 feet from the station, and signaled the engineer to stop. The train ran past the station and collided with No. 14, which was almost stopped."

CASE No. 64.

Statement of cause: "Not protected by flag. Hours on duty, 15."

The facts: There was no connection between the number of hours of labor and the cause of the accident. The freight train (an extra) stopped at the water tank, with its caboose standing on a steel trestle 40 feet high. It was a short distance ahead of the regular passenger; and the brakeman evidently figured that his train would not be there to exceed two minutes, so that he would not be taking any chances in not flagging the passenger. When the passenger train came around the curve where they could see the caboose, the brakeman was standing on the rear platform with his lantern in hand. He was afraid to leave the caboose for fear the passenger train would catch him on the trestle. He was wide awake and fully aware of what was going on, but could do nothing. The passenger train came up and struck the caboose and killed him.

CASE No. 65.

Statement in table: "Carelessness of engineman. Hours on duty, 18."

The facts: This crew left Brainerd at 3.15 p. m., and arrived at Spur (75 miles) at 9.05 p. m., five hours fifty minutes. They left Spur for Brainerd at 9.50 p. m., expecting to make the return trip inside of six hours. They were delayed three hours meeting an extra, which was delayed on account of another train doubling a hill. There were no hotel accommodations whatever at Spur; all trainmen and enginemen pre-

ferred to make the double, Brainerd to Spur and return, instead of laying over at Spur. This crew had forty hours' rest before making the trip.

CASE No. 67.

Statement of cause: "Disobeyed rule 99 in not properly protecting train. Hours on duty, 22."

The facts: This is entirely erroneous. The report made by the company states that the service was not continuous: "there was an interval of five hours seventeen minutes for rest;" that is, the run was from Hagerstown to Rutherford, twelve hours forty-two minutes, then five hours seventeen minutes rest at Rutherford, then a run of four hours thirty-six minutes from Rutherford to Lurgan, where the accident occurred.

The Moseley statement simply adds together these three periods, taking no note of the intervening rest period.

CASE No. 68.

Statement of cause: "Conductor and brakeman at fault in moving train before track was clear. Hours on duty, 15."

The facts: There is no evidence in this case of long hours or overwork; the crew had two days' rest before starting. The accident was entirely due to lack of judgment. The train men tried to save perhaps thirty seconds of time by pulling up close to lead; they pulled ahead farther than intended, with the result that train was cornered by switch engine.

CASE No. 69.

Statement of cause: "Brakeman failed to go to far end of cars to see that they had cleared. Hours on duty, 18."

The facts: There is nothing to show that failure to take proper precautions was due to excessive hours of work. This crew had been on wrecking duty, clearing up a wreck.

The company's report to the Commission gives the following explanation of the cause of the accident: "Wrecker crew had placed eight cars on siding, striking cars which were standing on that track, and causing them to foul main track. Conductor instructed brakeman to go to other end of cars and see that they were in to clear properly. The brakeman reported that they were. This brakeman is responsible for failure to go to far end of cars and see that they were cleared." This law should not apply to wrecking crews.

CASE No. 73.

Statement in table: "Flagman not far enough out to protect his train; discharged. Hours on duty, 16."

The facts: This crew was called at 1.30 p. m. November 27, after forty-six hours' previous rest. The accident occurred at 5 a. m. November 28, so that he had been on duty less than fourteen hours.

CASE No. 74.

Statement of cause: "From not being properly protected. Hours on duty, 23."

The facts: This accident was caused by an extra train starting out without proper orders. A dense fog prevailed at the time. They stopped at Watts Siding to do switching, and they had just got head car cut off when second No. 3 collided with their rear. The freight crew had only made a run of 95 miles, and pulled out notwithstanding attention was called to signals by whistle and acknowledged by the engineer.

There is nothing to indicate that any employee was not awake and alert.

CASE No. 77.

Statement of cause: "Conductor failed to set switch for siding; brakeman also failed to make proper effort to stop train. Hours on duty, 19."

The facts: An extra engine was putting a train away in siding, and Devil, conductor, failed to set switch for mountain siding. The train backed down on a grade crossing, resulting in a collision. All the trainmen were wide awake and on the ground, and the failure of the conductor to set switch properly was due to an oversight, which might have occurred under any circumstances.

There is nothing to show any connection between the accident and the hours on duty.

CASE No. 79.

Statement of cause: "Brakeman failed to turn switch; train ran on siding. Hours on duty, 19."

The facts: Rear-end collision, caused by brakeman failing to turn switch, throwing the train in on side track and striking the rear of freight train. He had not been on continuous duty for nineteen hours. He had left Galesburg and gone to Quincy, a trip of eight hours. At Quincy he had three hours and twenty minutes rest, and returning had been on duty about seven and one-half hours when the accident occurred.

There is no reason for saying that this failure to properly turn the switch was caused by excessive hours of labor. He had had two days' rest before going on this trip.

CASE No. 80.

Statement in table: "Crew went to sleep. Hours on duty, 24."

The facts: This is an incorrect statement. The crew went on duty at 10 p. m. September 4, after eleven hours' rest. They arrived at St. Joseph at 9.30 p. m. and remained there until 6.30 a. m. September 5; that is, they had nine hours for rest and sleep. They left St. Joseph at 6.30 a. m., and the accident occurred at 2.20 p. m., so that they had actually been on duty seven hours and fifty minutes.

The reason given for the formal statement in the company's report, "On duty twenty-four hours," without any reference to the nine hours of rest, was "Being under orders, they were allowed full time and were thus reported as having been on duty."

CASE No. 81.

Statement of cause: "Disobeyed rule 17, train taking siding not being in the clear. Hours on duty, two days."

The facts: This is an entire mistake, the result of a mere error in transmitting the report. As a matter of fact, these trainmen had only been on this run three hours and forty-five minutes at the time of the accident and had ample rest prior to going on the trip. This is all fully explained in a letter written by the general manager, W. C. Nixon, to Mr. Moseley, of date January 20, 1903; but, notwithstanding the explanation, the table contains the statement that the conductor had been on duty forty-eight hours.

Whatever negligence there was was on the part of the engineer.

CASE No. 82.

Statement of cause: "Engineman at fault, in going back struck cars. Hours on duty, 20."

The facts: The train stalled, and then doubled, and in going back for the rear end of the train the engineer struck the cars. There is

nothing to show that the hours on duty had anything to do with the accident. The length of the division is 130 miles, and an average of 10 miles per hour would consume only thirteen hours. In this case there was an unusual number of delays, largely caused by the train having parted and by being held to meet passenger trains.

If this crew had been tied up at the end of sixteen hours, it would probably have been at a point where they could neither sleep nor get meals, and by the time they got to the terminal they would have lost more time and have been less fit to go out again than if they had been allowed to go through, even if it should take more than sixteen hours.

CASE No. 83.

Statement of cause: "Work train fouled main track without due protection. Rule: 'An inferior train must keep out of the way of a superior train.' Hours on duty, more than 15."

The facts: This accident occurred in 1902, to a work train engine which had been in the shop at Fort Wayne over Sunday, for washing out, etc. They had a rest in their bunk car, and went on their regular Monday's duty on the work train from Plymouth at 7 o'clock in the morning. The accident occurred at 5.35 p. m., Monday. Ten hours and 35 minutes on duty. Excessive hours had nothing at all to do with the accident. The engineman simply overran the clearance point of the switch leading from the siding to the main track, in the dark.

CASE No. 86.

Statement of cause: "Engineman at fault for not stopping when semaphore was against him and not having train under control. Hours on duty, 19."

The facts: The number of hours on duty had nothing to do with the accident. "Engineer Burns frankly admitted that when approaching crossing he saw an N. P. train passing over same, and that he also saw that semaphore signal was set against him, but thinking that tower man would give him the crossing in time to avoid necessity of stopping his train, he allowed train to drift until too late to stop before going off track at derail."

Mr. PATTERSON. Mr. President—

Mr. CULLOM. I yield to the Senator from Colorado.

Mr. PATTERSON. I offer an amendment to the bill which we have been discussing in order that it may be printed.

The VICE-PRESIDENT. The proposed amendment submitted by the Senator from Colorado will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 10, 1907, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 9, 1907.

UNITED STATES ATTORNEY.

William B. Sheppard, of Florida, to be United States attorney for the northern district of Florida. A reappointment, his term expiring February 17, 1907.

UNITED STATES MARSHAL.

Thomas F. McGourin, of Florida, to be United States marshal for the northern district of Florida. A reappointment, his term expiring February 26, 1907.

INDIAN INSPECTOR.

James McLaughlin, of North Dakota, to be an Indian inspector, to take effect January 19, 1907, at the expiration of his term. (Reappointment.)

POSTMASTERS.

CONNECTICUT.

Arthur B. Jelliffe to be postmaster at Saugatuck, in the county of Fairfield and State of Connecticut, in place of Arthur B. Jelliffe. Incumbent's commission expired December 9, 1906.

ILLINOIS.

John B. Stout to be postmaster at Lawrenceville, in the county of Lawrence and State of Illinois, in place of Sylvester J. Gee. Incumbent's commission expired December 12, 1905.

INDIANA.

Edward L. Troop to be postmaster at Paoli, in the county of Orange and State of Indiana, in place of William W. Lingle. Incumbent's commission expired December 20, 1906.

IOWA.

William J. Scott to be postmaster at Ida Grove, in the county of Ida and State of Iowa, in place of Barney Johnson. Incumbent's commission expires February 11, 1907.

MARYLAND.

Charles W. Farrow to be postmaster at Snow Hill, in the county of Worcester and State of Maryland, in place of Charles W. Farrow. Incumbent's commission expired May 21, 1906.

MINNESOTA.

Oscar Krook to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in place of Charles E. Patterson. Incumbent's commission expired December 20, 1906.

NEW YORK.

George H. Kennedy to be postmaster at Cortland, in the county of Cortland and State of New York, in place of Andrew S. Brown. Incumbent's commission expired January 7, 1907.

Freeman H. Merritt to be postmaster at White Plains, in the county of Westchester and State of New York, in place of James H. Moran. Incumbent's commission expired December 9, 1906.

James A. Snell to be postmaster at Fonda, in the county of Montgomery and State of New York, in place of George L. Davis. Incumbent's commission expired June 10, 1906.

OHIO.

Wirt Kessler to be postmaster at West Milton, in the county of Miami and State of Ohio, in place of Wirt Kessler. Incumbent's commission expires January 26, 1907.

OKLAHOMA.

Jeannette L. Baker to be postmaster at Ponca, in the county of Kay and Territory of Oklahoma, in place of Burton S. Barnes, deceased.

OREGON.

Edward D. Starr to be postmaster at Brownsville, in the county of Linn and State of Oregon. Office became Presidential January 1, 1907.

PENNSYLVANIA.

William I. Kopp to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of John Francies, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 9, 1907.

ASSISTANT ATTORNEY-GENERAL.

Edward T. Sanford, of Tennessee, to be Assistant Attorney-General.

DISTRICT JUDGE.

Thomas Ives Chatfield, of New York, to be United States district judge for the eastern district of New York, commencing January 1, 1907.

SURVEYORS OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois.

Marcellus O. Markham, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia.

COLLECTORS OF CUSTOMS.

A. Lincoln Dryden, of Maryland, to be collector of customs for the eastern district, in the State of Maryland.

Morton Tower, of Oregon, to be collector of customs for the southern district, in the State of Oregon.

Herbert D. Philbrick, of Maine, to be collector of customs for the district of York, in the State of Maine.

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Lucien F. Prud'homme, United States Navy, retired, with the rank of commander, to be a professor of mathematics on the retired list of officers of the Navy, with the rank of captain, from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

Gunner Cornelius Cronin, United States Navy, retired, to be a chief gunner on the retired list of the Navy, to rank with but after ensign, from the 29th day of June, 1906, in accordance with the provisions of the naval appropriation act approved on that date.

Commander Rogers H. Galt to be a captain in the Navy from the 11th day of December, 1906.

Lieut. Luke McNamee to be a lieutenant-commander in the Navy from the 12th day of June, 1906.

Lieut. Charles J. Lang to be a lieutenant-commander in the Navy from the 25th day of December, 1906.

Lieut. Martin E. Trench to be a lieutenant-commander in the Navy from the 1st day of January, 1907.

Sailmaker Charles E. Tallman, United States Navy, retired, to be a chief sailmaker on the retired list of the Navy, to rank with, but after, ensign, from the 29th day of June, 1906.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 20th day of December, 1906, to fill vacancies existing in that grade on that date:

Renier J. Straeten, a citizen of South Dakota, and
James T. Duhigg, a citizen of Iowa.

XLI—53

POSTMASTERS.

GEORGIA.

Clifford H. Dyar to be postmaster at Adairsville, in the county of Bartow and State of Georgia.

ILLINOIS.

Thomas M. Crossman to be postmaster at Edwardsville, in the county of Madison and State of Illinois.

Abraham L. Coyle to be postmaster at Gridley, in the county of McLean and State of Illinois.

Clarence F. Buck to be postmaster at Monmouth, in the county of Warren and State of Illinois.

IOWA.

John Meyer to be postmaster at Alton, in the county of Sioux and State of Iowa.

Simon J. Mak to be postmaster at Inwood, in the county of Lyon and State of Iowa.

Asahel B. Chrysler to be postmaster at Lake Park, in the county of Dickinson and State of Iowa.

MARYLAND.

James C. Peddicord to be postmaster at Oakland, in the county of Garrett and State of Maryland.

MINNESOTA.

William Gallagher to be postmaster at Carlton, in the county of Carlton and State of Minnesota.

William J. Cowling to be postmaster at Ely, in the county of St. Louis and State of Minnesota.

NEW YORK.

Oscar E. Ward to be postmaster at Phoenix, in the county of Oswego and State of New York.

Lasuvius H. King to be postmaster at Port Byron, in the county of Cayuga and State of New York.

Lucius A. Waldo to be postmaster at Canisteo, in the county of Steuben and State of New York.

Millard D. McNeil to be postmaster at Oxford, in the county of Chenango and State of New York.

PENNSYLVANIA.

William I. Kopp to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 9, 1907.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CLERKS AND CARRIERS IN THE CHICAGO POST-OFFICE.

Mr. MANN. Mr. Speaker, I call up a matter of privilege.

The SPEAKER. The gentleman from Illinois presents a privileged matter. What motion does the gentleman make?

Mr. MANN. I call up for consideration the House resolution 651. It is a request for information from the head of a Department, and has not been reported by the committee in ten days.

The SPEAKER. The gentleman from Illinois moves to discharge the Committee on the Post-Office and Post-Roads from further consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 651.

Resolved, That the Postmaster-General be, and he is hereby, directed to report to the House of Representatives at the earliest practicable moment the number of clerks and carriers in the Chicago post-office who resigned, the number who were dismissed, the number who were appointed, both regularly and temporarily, the number who declined appointment after being upon the eligible list, the number of substitute clerks and the total amount paid to substitute clerks, by months, all for the fiscal year ending June 30, 1906.

Mr. MANN. Mr. Speaker, the resolution is simply to acquire some information in an official manner for use in the consideration of the post-office appropriation bill.

Mr. PAYNE. When was it introduced?

Mr. MANN. On December 10.

The SPEAKER. The question is on the motion to discharge the committee from further consideration of the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 7211. An act to amend an act entitled "An act to amend

an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7211. An act to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904—to the Committee on Interstate and Foreign Commerce.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the support of the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 23551, the Army appropriation bill.

Mr. HULL. Mr. Chairman, I would like to ask how much time remains for general debate?

The CHAIRMAN. The gentleman from Iowa has one hour and thirty-five minutes remaining, and the gentleman from Virginia thirty-three minutes.

Mr. HULL. Mr. Chairman, I would state I know of no one who desires to discuss the question; and I ask the gentleman from Virginia to consume his time.

Mr. HAY. I yield twenty minutes to the gentleman from Louisiana [Mr. MEYER].

Mr. HULL. Before the gentleman commences, I would ask if the gentleman will conclude in twenty minutes?

Mr. MEYER. Probably.

Mr. HULL. If not, I will yield whatever time the gentleman requires.

Mr. MEYER. Mr. Chairman, the 8th day of January is a legal holiday in the State of Louisiana. Our people are proud of the heritage of the great battle fought on our soil, sanctified by the heroism of our sons and those of Tennessee, Kentucky, and other American patriots. The admirable address made by the gentleman from Tennessee [Mr. GAINES], appropriate to the day and to the current discussion, inspires me to add a few remarks upon that great event, and especially to bring before the House a reminder of a measure that has been favorably reported by the Committee on the Library for the completion of a monument on the battlefield of Chalmette, the scene of the battle of New Orleans, a shaft designed to commemorate that great event. This report states the purpose of the bill I had the honor to introduce, to accept the cession to the United States of the Chalmette monument and grounds, and to appropriate the sum of \$25,000 with which to complete the monument located thereon, under the direction of the Secretary of War, who shall appoint a commission composed of three persons to recommend a suitable design for the completion of said monument, with such inscriptions and emblems as may properly commemorate the valor and sacrifices of the American Army in the battle of New Orleans. When said monument shall have been completed the care and keeping of same, and of the grounds surrounding it, subject to such other control as the Secretary of War may determine, shall remain with the United States Daughters of 1776 and 1812, a corporation of the city of New Orleans.

The Chalmette monument was begun by the Jackson Monument Association in 1855, and is located upon a parcel of land in the parish of St. Bernard, in the State of Louisiana, facing the Mississippi River and southeast of the city of New Orleans, measuring about 1 acre front, and comprises a part of the Chalmette battle ground.

The accepted design consisted of a plain shaft 142 feet high, 16 feet 8 inches square at the base, and 12 feet 6 inches at the top. The work was partially erected in accordance with the specifications annexed to the contract. The shaft as it stands to-day is 56 feet 10 inches high. It will thus be seen that the monument lacks 85 feet of being built to its originally planned height. In its present incomplete state the top is covered over with a plain board deck, with the result that it is insignificant in height, unsymmetrical in proportion, and belittles rather than fittingly memorializes a great event in our history. The monument is not only plainly visible from the Mississippi and in view of all passing vessels from New Orleans to the Gulf, but because of its proximity to the city and being built upon a part of the battlefield and near Chalmette Cemetery, the locality is visited by thousands of tourists and pleasure seekers. An additional advantage secured by passing the pro-

posed bill is that vesting the title of the monument grounds in the United States Government gives it more than an acre of ground within a few hundred feet of Chalmette Cemetery, making it feasible to connect the two properties, enlarge the cemetery, and combine both in a perpetual memorial of the battle of New Orleans.

The project commends itself apart from its intrinsic merit, because what has already been done is the result of private subscription, and commands those who first help themselves to assistance from the Government.

Mr. Chairman, it is my pleasing and appropriate duty, in behalf of the State of Louisiana, to press upon the attention of Congress the erection of this monument in honor of the signal victory achieved by the American arms under the leadership of the immortal Jackson upon the plains of Chalmette, near the city of New Orleans, on the 8th of January, 1815. Jackson won many victories in peace and in war, but, great as was his military genius and civic capacity, the student of history will find in his defense of Louisiana, beginning with his arrival on the 1st of December, 1814, to the final repulse and collapse of the British invasion, the highest proofs of a military capacity which will always give him rank among the great captains of the world. His very presence was an inspiration. Doubt, fear, discord, insubordination vanished before his presence and resistless energy. He was confronted by a superior force of veterans, schooled by the great Duke of Wellington in the peninsular campaigns, the heroes of Badajoz, Ciudad Rodrigo, Vitoria, and many bloody combats, and led by many commanders who knew not what it was to fear any obstacle or danger.

They had the best arms, the highest equipment, perfect discipline, an overwhelming naval force. Jackson had a smaller army, of comparatively raw troops, with many unskilled and inexperienced officers, soldiers badly armed, half disciplined, not accustomed to act together, and who received their principal instruction in arms in this very campaign. Among the defenders were released convicts and Lafitte's pirates, only the day before outlawed and proscribed, and other incongruous elements, but all welded together into one resistless mass by the fire of Jackson's patriotism. The city was greatly exposed. There were many points of attack, and it was difficult to anticipate at what point the enemy's blow would be struck. As it was, New Orleans was very nearly surprised. A large British force was landed very near the city before Jackson, with all his vigilance, knew of their coming. His preparations, however, were promptly made, and he attacked them that very night in their works. He swore in his mighty wrath that they should not sleep on the soil of Louisiana, and faithfully did he keep his word. He attacked them incessantly until the day of final assault by Pakenham, when the flower of Britain's chivalry went down before the deadly aim of the riflemen of Tennessee and the hunters of Kentucky. After that overwhelming, crushing repulse the city of New Orleans and the Province of Louisiana were safe.

To appreciate the grandeur of this victory we must remember that it came at the close of a war in which success and defeat had quickly followed the other. On the sea, indeed, our arms were generally victorious. British frigates for the first time almost in history were compelled to strike their colors. Still we had painful reverses, too, on the water. On the land our repeated attempts to invade and overrun Canada had all been repulsed. No impression had been made in that quarter. There had been successes and reverses, and among the latter one shameful capitulation by an American commander. We had, indeed, the glory of Scott and Macomb to console us, but Canada defied our arms and most energetic endeavors. The Indians had cooperated with the enemy and laid waste our exposed northwestern frontier. A British force had landed on the Patuxent River, in Maryland, not many miles from this city of Washington, had marched across the country to Bladensburg, routed the American Army, and then had marched unopposed to our seat of government, burning our Capitol, the President's Mansion, and other public buildings, while the President and his Cabinet had to flee before them.

Treason and disaffection were rearing their front at the Hartford convention, and the war, begun with so much spirit and enthusiasm, was pressing hardly upon our resources as a people. It was at this trying hour that the victory at New Orleans came to gladden the hearts of patriots and to wipe out the disgrace of Hull's surrender and the occupation of our capital by a hostile force. It may be said that a treaty of peace had already been signed before Jackson won his famous victory and that it was therefore unimportant. This would be a shallow view to take of the subject. Suppose Pakenham had defeated Jackson and overrun the Territory of Louisiana, would Great Britain have surrendered it? Our experience of her systematic bad faith in not carrying out our treaty of peace in 1783 and of her gross repudiation of the treaty of Amiens made with Napoleon, and of many breaches of treaty engagements by England and other

nations ought to admonish us that if Louisiana had ever been conquered by England its prompt restoration to the United States would have been very doubtful and possibly not effected without prolonged hostilities. But apart from this, I hold that the victory of New Orleans served to develop the national character and by its example to admonish all foreign governments of the exceeding and inherent strength of governments founded on free institutions.

The French revolution was eventually put down, it is true, but it has been a lesson to tyrants ever since. The victory at New Orleans showed that America could defend herself without a great standing army, and that successful invasion was perfectly hopeless. To erect a monument, then, is an appropriate duty. It is not a mere local bounty or compliment, for the whole Mississippi Valley—Kentucky, Tennessee, and Mississippi especially—shared in the glory of the defense. It belongs to the nation as a victory second only to Yorktown in its effect, and with all the glory belonging to our own people, our own soldiers, and the mighty leader of our brave defenders.

I can not more appropriately and more forcibly conclude, Mr. Chairman, than by quoting that magnetic leader of the people, Henry Clay, who said in one of the great efforts which have made his name immortal in the history of our country:

What do I mean by national glory? Glory such as Hull, Jackson, and Perry have acquired. And are gentlemen insensible to their deeds in animating the country in the hour of peril hereafter?

Did the battle of Thermopylae preserve Greece but once? While the Mississippi continues to bear the tribute of the Iron Mountains and the Alleghenies to her delta and to the Gulf of Mexico the 8th of January shall be remembered, and the glory of that day shall stimulate future patriots and nerve the arms of unborn freemen in driving the presumptuous invader from our country's soil.

[Loud applause.]

The CHAIRMAN (Mr. BENNET of New York). If there are no further demands for time, the Clerk will commence reading the bill by paragraphs.

The Clerk read as follows:

OFFICE OF THE CHIEF OF STAFF.

For contingent expenses of the military information division, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information division at Manila, to be expended under the direction of the Secretary of War, \$10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Mr. MANN. I move to strike out the last word.

There was a proposition here the other day, presented by the Committee on Appropriations, forbidding hereafter the purchase of any periodicals except technical and scientific works. I would like to ask the gentleman from Iowa whether, in his judgment, it is necessary that the War Department shall have the right to purchase the foreign professional newspapers and periodicals provided for in this bill?

Mr. HULL. Mr. Chairman, this matter was fully discussed either four or six years ago, I do not remember which, and it was shown that unless we make this provision the officers have to advance the subscription out of their own pockets and put in a bill and have it allowed to them personally. It only applies to the foreign and professional papers.

Mr. MANN. I quite agree with the gentleman, but when I raised the point of order on the proposition the other day, some of the distinguished members of the Committee on Appropriations were inclined to severely criticize me for it, and I wanted to know from the committee that has jurisdiction whether these things are needed.

Mr. HULL. These are technical matters, and thought to be of great value from a military standpoint. It is thought proper that they should have these periodicals.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, \$200,000.

Mr. HULL. Mr. Chairman, in the preparation of the bill there was an agreement on the part of the Committee on Military Affairs that a provision similar to the one carried in the last bill for the extension of the telegraph and cable system should be inserted in the bill, but in the make-up of the bill it was omitted. I therefore move the following amendment, to come in after the word "dollars," in line 10, page 5.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 5, line 10, after the word "dollars:"

"Provided, That of the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States the sum of \$190,000 be, and the same is hereby, made available for defraying the cost of such extension and betterments of the system as may be approved by the Secretary of War, the extent of such extension and the cost thereof to be reported to Congress by the Secretary of War."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that. I believe there was an item of this kind in the last bill.

Mr. HULL. Yes.

Mr. TAWNEY. Of that appropriation how much remains unexpended?

Mr. HULL. It is practically all expended and several places are left uncompleted.

Mr. TAWNEY. The language of that provision last year was identically the same as this, was it not?

Mr. HULL. The same as this.

Mr. TAWNEY. And they have made no report of their expenditures in accordance with that provision.

Mr. HULL. I read from the statement of General Allen, in the hearings before the committee:

General ALLEN. You gave last year \$179,000. There is left out of that in the Treasury and not obligated \$22,000. It will be obligated before the end of the year. The appropriation came so late that we could not spend all of it this year. The ship is up there now. Out of that will come the amount for our work next summer.

The total amount received in revenues from the Alaskan cable up to date is \$371,827.29. Out of that you have allotted \$179,000, leaving the remainder of that fund up to the end of December approximately \$192,000.

The CHAIRMAN. That is the gross amount.

General ALLEN. Yes; it has all been turned into the Treasury.

The CHAIRMAN. And the law turned it over to Alaska to extend the cable line.

General ALLEN. Every dollar has been turned into the Treasury, so that there is still to the credit of the Alaska fund \$193,000.

They went over the map, showing where it was desired in one place to complete a cable. There is one place that connects an important starting point with a railroad, and it will benefit that railroad I will say, frankly, to the House; but it will also aid in the development of Alaska. The receipts from the telegraph, when we get this completed, will more than pay a large interest on the investment, giving the Government its business practically for nothing. The commercial receipts from the line will be largely increased, according to the evidence submitted to us, by this addition. I hope that before many years we shall be enabled to dispose of this line, so that the Government may get out of the business of building telegraphs; but, until that time does come, it seems to me that with Alaska situated as it is the Congress of the United States should aid, not only in connecting all the posts of that Territory by cable and land telegraph lines, but that it should aid in the lines that will assist in the development of the Territory itself.

Mr. TAWNEY. Mr. Chairman, if the gentleman will permit an interruption—

Mr. HULL. Certainly.

Mr. TAWNEY. I am in hearty sympathy with the purpose that the gentleman has in view. I think this cable system has contributed very much to the development of Alaska in recent years, and I think that if it is extended it will continue to do so, but I want to ask the gentleman in charge of the bill whether he thinks it is good policy for Congress to appropriate the receipts derived from this service for the extension of the cable instead of paying the money into the Treasury and then appropriating upon estimates, as in other branches of the service? They do not come, like any other branch of the Government service, when they want to extend the line, with a statement of the extensions they intend to make and an estimate of what those extensions will cost, but are given the opportunity here to make the appropriation themselves, limited only by the receipts from the service. This, in my judgment, is not good administration and it should not be permitted. We have no opportunity to inquire into the necessity of the improvement, and second, whether or not their estimate of the cost is a reasonable estimate. In other words, this is a method of making appropriations entirely inconsistent with the policy of Congress in such matters, as the gentleman well knows. It would seem to me better to make a specific appropriation for the extension of the line desired upon estimates submitted by the Department instead of turning over the receipts to be expended without any check whatever.

Mr. HULL. I suppose the check is on the authority of the Secretary of War, where it is expended. They give in the hearings the places largely where it is to be. On page 16 they

say it is proposed to extend a line from Fairbanks to Circle City. That would be 175 miles. The rest of it would be largely for betterments. It is important to put the line through Nome to the center of Alaska in first-class condition, and a great deal of money would have to be spent on it.

I fully agree with the general proposition of the gentleman from Minnesota, and I am perfectly willing that a proviso should be added providing that hereafter detailed estimates shall be submitted before any further appropriations shall be made. I am in hopes that this will complete what we have to do.

But this is a specific appropriation for a specific amount.

Mr. TAWNEY. I doubt very much whether it will. The development is so great and the demand for the service is so large that I fear it will be a good many years before it is completed. It is for the purpose of putting this service on identically the same basis with respect to appropriations and estimates, that Congress may inquire of the heads of Departments as to the necessity for the amount asked for.

Mr. HULL. If the gentleman thinks it will improve it, I will add a proviso providing that hereafter detailed estimates must be submitted before any appropriation shall be made for the continuance of this service or for further extension of these lines.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota, who has visited Alaska and who is familiar with the conditions, if he does not believe that in a comparatively short time the Government will be able to go out of the telegraph business in the Territory? I will say that my information is that it will, and that this is merely a duplication of the experience of other parts of the frontier in the early days, when the Government built for its own use many telegraph lines on the frontier of Texas and permitted their use for commercial purposes, receiving the toll that was charged, and just as soon as it was possible to secure the maintenance of the line—the operation of the line for commercial purposes by private parties, which would serve the purposes of the Government just as well—the Government went out of the business. I was told by Major Richardson that that was the policy they expected to pursue in Alaska. If I did not believe that, I would not be in favor of this amendment and in favor of spending money for the development of these commercial enterprises to be operated by the Government.

Mr. TAWNEY. While I have great respect for the opinion of Major Richardson, whom I know personally and who is familiar with conditions in Alaska, I am constrained to believe, however, that it will be many years before any private corporation will be able to take over the Government lines and operate them successfully. I am not objecting to the extension of this line. What I am objecting to is the practice growing up in the House, where appropriation bills originate, of appropriating the receipts of a given service to be expended in the discretion of the men who are at the head of that service without any report or check on it at all. It is in the hope of getting this in line with the same policy that has always obtained of submitting estimates and statements as to the extension desired to be made and then appropriating for that specific purpose so that it can be expended for no other purpose and leave the receipts to go into the Treasury where they belong.

Mr. HULL. Mr. Chairman, I ask that the amendment be reported again. I have added a further proviso to it.

Mr. MANN. I have no objection to that, except that I do not wish to waive the privilege of having made the point of order.

The CHAIRMAN. It is understood by the House that the point of order is still reserved.

Mr. MANN. It is reserved.

The Clerk read as follows:

Insert after "dollars," page 5, line 10, the following:
Provided, That of the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States the sum of \$190,000 be, and the same is hereby, made available for defraying the cost of such extensions and betterments of the system as may be approved by the Secretary of War, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War: *Provided further*, That hereafter detailed estimates shall be submitted to Congress for any further extension of the cable or telegraph lines in the Territory of Alaska."

Mr. TAWNEY. I withdraw the point of order with that proviso.

Mr. MANN. I renew the point of order.

The CHAIRMAN. The point of order is withdrawn by the gentleman from Minnesota and renewed by the gentleman from Illinois. Does the gentleman make the point of order or reserve the point of order?

Mr. MANN. If the gentleman from Iowa desires, I will reserve it.

Mr. HULL. I do not desire to have it reserved at all.

Mr. MANN. Then I make the point of order.

The CHAIRMAN. Does the gentleman from Iowa desire to discuss the point of order?

Mr. HULL. I simply want to call the attention of the Chair to the fact that this is part of a line of work the Government is already on, and it is to carry on the same work the Government has been engaged in in the past.

The CHAIRMAN. How does this proposition differ from the one ruled upon in the last Congress?

Mr. HULL. Not at all, except in the amount of money appropriated. It is a little increase, and in the last proviso requiring for the future detailed estimates.

The CHAIRMAN. In view of the ruling when this same proposition was under consideration in the last Congress, the Chair feels constrained to sustain the point of order. The Clerk will read:

The Clerk read as follows:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: *Provided further*, That nothing in this provision shall affect the retired list.

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order against the proviso that it is new legislation, and that it changes existing law.

The CHAIRMAN. Is the point of order made as against the whole paragraph?

Mr. COOPER of Wisconsin. The proviso.

The CHAIRMAN. Which proviso?

Mr. COOPER of Wisconsin. Both provisos, lines 17 to 20, inclusive.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For pay of enlisted men of all grades, including recruits, \$9,000,000.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At line 23, page 5, add the following:

Provided, That hereafter recruit and prison companies shall have noncommissioned officers, artificers, and cooks of the numbers and grades allowed by law for companies of infantry."

Mr. MANN. I reserve the point of order on that.

Mr. SLAYDEN. Mr. Chairman, the only change proposed by that amendment really is to allow the artificer and the cook to the prison company which is now provided by law for other companies. The prison company is stationed at Fort Leavenworth, at the military prison. It does not increase the number of enlisted men, because the artificers and cooks are enlisted men. It increases the compensation of the man who is detailed by \$2 a month, and it increases the compensation of the artificer who is detailed to that work by \$2 a month. It puts these companies on exactly the same par as other companies in the Army.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

ENGINEERS.

Two hundred and sixty-nine thousand six hundred and four dollars.

Mr. PARKER. Mr. Chairman, it seems to me that something must have been left out after the word "engineers" at the top of the page.

Mr. MANN. That refers to the pay of enlisted men.

Mr. PARKER. I think there is some mistake at the top of page 6, some omission of the words "for pay of enlisted men" or something of that sort. I desire to look at the estimates before we get to that. I would ask unanimous consent to return to this place, if necessary, at the top of page 6.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to page 6 for the purpose of offering an amendment?

Mr. PARKER. Yes.

The CHAIRMAN. Is there objection?

Mr. MANN. I suppose the gentleman does not know. We can not tell exactly how this comes in this shape. It is merely a matter of printing the bill.

Mr. PARKER. No; it is more than that. The previous paragraph is for pay of enlisted men, and instead of those words "the pay of enlisted men of all grades" on the top of page 6 you will find simply the word "engineers," and I think there must be some provision for somebody.

Mr. HULL. The language follows the bill as it has been reported to the House for the last quarter of a century. That has always been the language.

Mr. PARKER. I will ask unanimous consent to return to this until I can see an old bill.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the paragraph on the top of page 6 be passed without prejudice. Is there objection?

Mr. MANN. I would say that the same objection applies to the entire two pages of the bill. There is no object in reserving the one and proposing an amendment there.

Mr. PARKER. Mr. Chairman, I withdraw the request.

The Clerk read as follows:

Provided further, That section 169 of the Revised Statutes of 1878 be amended to read as follows:

"Sec. 169. That each head of a department or independent bureau or officer of the Army in command at any army headquarters or post or the office of the Chief of Staff is authorized to employ in his department or bureau, or in any branch or division thereof or at such army headquarters or post or in the office of the Chief of Staff, where-soever located, such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on this paragraph. I want to ask the chairman of the committee if he is aware of the fact that by enacting this provision you repeal the law authorizing the appointment of clerks in all the Executive Departments of the Government here in Washington?

Mr. HULL. I am not aware of that.

Mr. TAWNEY. Well, that is the fact. If the gentleman will turn to section 169 of the statutes—well, the language of this amendment will explain it to you. Section 169 of the Revised Statutes authorizes the appointment of such clerks in the Executive Departments here in Washington for whom Congress may from time to time appropriate.

Mr. HULL. Yes.

Mr. TAWNEY. Now, you amend section 169 by eliminating the authority for the appointment of any clerks whatever in the Executive Departments here in Washington, making section 169 apply only to the Army, where to-day it applies to all the Executive Departments.

Mr. HULL. That may be so, but we followed the report of the Committee on the Judiciary entirely in the matter, and that committee reported this as only an extension.

Mr. TAWNEY. Then the joke is on the Committee on the Judiciary and not on the Committee on Military Affairs.

Mr. HULL. I have here the report of the Committee on the Judiciary stating with this change it simply includes divisions, etc., of the Army. I will say very frankly to the gentleman I never read the statute when the matter was before us, and have accepted the report of the Judiciary Committee as correct.

Mr. TAWNEY. Section 169 reads as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Now, your proposed amendment to the section would make it read as follows: "That each head of Department or independent bureau, or officer of the Army in command at any Army headquarters," and eliminating entirely the authority for the appointment of clerks here in the Executive Departments in Washington.

Mr. HULL. Well, I will say to the gentleman that very largely this comes from the amendment reported from the Judiciary Committee. The original bill was that each head of a Department or officer of the Army.

Mr. MANN. Will the gentleman from Iowa yield for a second?

Mr. HULL. Yes.

Mr. MANN. The gentleman from Minnesota thinks this would restrict existing law. I think it would very much extend the existing law.

Mr. TAWNEY. It would extend it if enacted as the committee intended it should be enacted.

Mr. MANN. The existing law provides for each head of a Department. The gentleman from Minnesota thinks it reads each head of a department in the Army; but in addition to that it provides for each independent bureau. The independent bureaus which have nothing to do with the Army ought not to be allowed upon an Army appropriation bill, and if the belief of the gentleman from Minnesota is correct then this ought not to be in the bill; and if, on the other hand, it applies to independent bureaus not connected with the Army it ought not to be in the bill.

Mr. TAWNEY. I do not think so either.

Mr. HULL. It ought to be in the bill only to the extent of enlarging the existing law to cover simply the divisions and

departments of the Army that have always had clerks. Now, I think in the way the committee has reported it it may be subject to the objection of the gentleman from Minnesota. The present law now reads, as I understand it, "each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees at such rates of compensation, respectively, as may be appropriated for by Congress from year to year." Now, that is the present law.

Mr. MANN. That is the way this reads.

Mr. HULL. What we want to do is to include the Chief of Staff and the divisions and departments of the Army for whom these clerks are provided. It was held by the chairman of the committee last year that there was no law. There have always been departments in the Army, a general commanding the Army, now Chief of Staff; there has always been a military division where we had to have clerks outside of those here in the Department, and in order to prevent clerks who are employed here from being transferred to the field and clerks employed in the field, at Chicago, for instance, outside of the Department, from being transferred to the bureaus and having it so they could always be controlled, some six years ago, possibly eight years ago, when Mr. Moody was on the Committee on Appropriations, we agreed to this provision, that none of them should be assigned to duty in any of the bureaus of the Department, so as to keep them separate.

Mr. MANN. If the gentleman will permit me to state, I will say that we do not have any independent bureaus in the War Department.

Mr. HULL. No; but we have bureaus under the Department.

Mr. MANN. But this does not say "bureaus;" it says "independent bureaus." An independent bureau is one entirely out of any Department.

Mr. TAWNEY. It would apply to such an independent organization as the Interstate Commerce Commission, for instance.

Mr. MANN. It would apply to the Bureau of Fisheries if that were not included in the Department of Commerce and Labor, for instance.

Mr. HULL. The Committee on Military Affairs has no desire to enlarge the law except to provide for clerks, messengers, and laborers at headquarters and divisions.

Mr. MANN. This matter is now pending on a report introduced, and we will soon take that up for consideration.

Mr. HULL. I have no objection on earth—

Mr. PARKER. May I ask the gentleman how he would take it up?

Mr. MANN. It was only the other day that the Judiciary Committee was called on the call of the committees to take up a number of matters, and declined to take up any more.

Mr. PARKER. It is on the Union Calendar, and therefore could not be taken up.

Mr. MANN. The gentleman misunderstands the rule. The Committee on the Judiciary occupied the time of the House more than an hour the other day on the call of committees, and voluntarily gave its time, and it was moved at that time to go into Committee of the Whole House on the state of the Union for consideration of bills on the Union Calendar, and they did not do it. That is not our fault. At the next opportunity that comes they can do it, I may say to the gentleman from New Jersey [Mr. PARKER].

Mr. HULL. Mr. Chairman, this amendment is evidently not what we intended. It goes much further than that—

Mr. TAWNEY. Mr. Chairman, I insist upon the point of order.

Mr. HULL (continuing). And am willing to let it go out.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] insists upon the point of order. The Chair sustains the point of order and understands that it refers to that part after the word "department," in line 5, down to and including line 19.

Mr. HULL. After the word "department" down to and including the word "year" in line 19.

The Clerk read as follows:

For Chief of Bureau of Insular Affairs, \$5,500.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph, namely, lines 18 and 19, page 13, for the purpose of asking in reference to it. I really do not know whether it is subject to a point of order or not.

Mr. HULL. It is provided by law that the chief of the Bureau of Insular Affairs shall have the pay and allowance of brigadier-general while so serving, and this is simply in pursuance of law.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I renew the point of

order. I desire to inquire how the salary of this officer is carried in this particular bill.

Mr. HULL. Because all the salaries for all the Army officers are carried in this bill. The law provides for the detail of an Army officer for chief of the Bureau.

Mr. FITZGERALD. There are other Army officers and some naval officers detailed to positions that are considered civil positions, and their compensation is provided in different bills, and not in the Army or naval bill.

Mr. HULL. I do not know of any officer serving in a bureau in the War Department whose pay is not carried in this bill.

Mr. FITZGERALD. The supervisor of the port of New York is a naval officer with the rank of commander, appointed by the President, by and with the advice and consent of the Senate, and his compensation is not carried in the naval bill. It is carried in the sundry civil bill, if I am not mistaken, and if this officer is detailed to perform the duties of a civil office his salary should be carried in the sundry civil bill and not in the military appropriation bill.

Mr. HULL. They have had a chief of the Bureau of Insular Affairs ever since the Spanish war. His rank was that of colonel until this year. By an independent act of Congress the grade was increased from that of colonel to that of brigadier-general.

Mr. MANN. Is this General Edwards's office?

Mr. HULL. Yes. It is a bureau of the War Department proper, not away from here; in no sense like the case in New York, where a man is serving in another employment entirely outside of the Navy. This is under the direction of the Secretary of War and is a bureau of the War Department.

Mr. FITZGERALD. Is this pay in addition to his salary as a brigadier-general?

Mr. HULL. No; it is his full pay.

Mr. FITZGERALD. Why is he not paid as a part of the military service?

Mr. HULL. All the appropriations for the staff are separate. When we refer to The Military Secretary we give the amount of pay for his department. When we refer to the Judge-Advocate we give his salary and the salaries of his assistants.

Mr. FITZGERALD. Now, why is it this has not existed before?

Mr. MANN. So that this is really a division of the bureaus and the different officials?

Mr. HULL. That is all. If he had an assistant, we would have to put in the pay for him; but as he is the only officer of this character in here, there is no pay provided for an assistant. If you remember, there was a time in the Record and Pension Division when there was but one man at the head, Captain Ainsworth, first as a captain, then as major, then as colonel, and brigadier-general. When the work was enlarged he had an assistant given him, and the assistant also was carried in the appropriation; and it is so with the Judge-Advocate and all the assistant judge-advocates; they are all carried in this bill as staff corps, separate from the line.

Mr. MANN. If this is the provision for Brigadier-General Edwards, my only regret is that the amount is not larger, as he is one of the men who earns a great deal more than he gets.

Mr. HULL. There is no question about the amount being properly here and no question of its being in pursuance of existing law.

Mr. FITZGERALD. If the gentleman will give me some attention, I will ask him what I tried to before. Why has it been segregated this year in this way when it has not been in other years?

Mr. HULL. It had been segregated heretofore when his pay was that of colonel.

Mr. FITZGERALD. My recollection is that he was paid out of the general appropriation for the pay of the Army. There was no such provision as this in the last year's bill.

Mr. HULL. He was carried as an officer of the line before.

Mr. TAWNEY. Is there any reason why he will not or could not be paid as an officer of the line if this appropriation was not made?

Mr. HULL. Yes; because by law we have taken him out of the line and placed him on the list of brigadier-generals in the staff.

Mr. FITZGERALD. That is the information I desired. Until this year he was paid out of the general appropriation.

Mr. KEIFER. But he will perform this service no longer in the line.

Mr. TAWNEY. He was paid as a line officer.

Mr. KEIFER. He will get more pay under this.

Mr. HULL. This is in lieu of that.

Mr. KEIFER. Therefore he can not be paid as a line officer.

Mr. TAWNEY. His pay comes out of the appropriation for line officers under the military appropriation bill.

Mr. HULL. Mr. Chairman, if that is true, then there is a crime being committed in the War Department.

Mr. TAWNEY. If it is not so, will the gentleman indicate why?

Mr. HULL. Because we have a law now that provides that the chief of the Insular Bureau may be detailed from the line for a period of four years, unless sooner removed by the President, and while so serving he shall have the rank, pay, and allowances of a brigadier-general, and we appropriate his full salary here. Now, if he gets his pay from the line, from his lineal rank, and his pay on this detail as brigadier-general, there is a crime being committed by the War Department, and I do not believe that any such thing is possible.

Mr. FITZGERALD. Well, the gentleman is supposed to have this information. Will he read the provision of the current law under which the head of this Bureau is now paid?

Mr. HULL. It was passed by the last Congress.

Mr. FITZGERALD. Has the gentleman that information?

Mr. HULL. I do not carry all the provisions of the various acts in my head or keep all the acts in my desk, and if the gentleman challenges this statement I have made as to the law, then I will have to get it in this case.

Mr. FITZGERALD. It is right there, and I am trying to get the information.

Mr. HULL. The date of the act is all that we have in the estimates. I have quoted almost the entire act and the conditions under which he gets the rank, pay, and allowance of a brigadier-general. It is not necessary to quote the provision in the appropriation bill each time an appropriation bill is passed.

Mr. FITZGERALD. I want to say to the gentleman that this is the first law that gave that.

Mr. TAWNEY. As I understand, before the present chief of the Insular Bureau was promoted to the rank of brigadier-general by an act of Congress, he was a colonel.

Mr. HULL. He was not a colonel in the line, but he got the pay of a colonel.

Mr. TAWNEY. Prior to that he received the pay of a colonel?

Mr. HULL. Yes.

Mr. TAWNEY. And performed the duties of chief of the Insular Bureau at that time?

Mr. HULL. Yes.

Mr. TAWNEY. Now, does the act promoting him to the rank of brigadier-general provide for the payment of his compensation as chief of the Insular Bureau during the fiscal year 1907, or does it provide for his pay as a brigadier-general during the present fiscal year? In other words, how is he being paid now; out of what appropriation?

Mr. HULL. He receives the pay of a brigadier-general now.

Mr. FITZGERALD. How—out of what appropriation?

Mr. TAWNEY. Out of what appropriation is he being paid?

Mr. HULL. The law promoting him gives him the right to that pay.

Mr. FITZGERALD. He may have a claim, but how is he getting his money?

Mr. MANN. I understand it was appropriated for in the general deficiency bill last year. Can the gentleman from New York tell us about that?

Mr. FITZGERALD. I do not know. I can not say about that.

Mr. TAWNEY. I can tell the gentleman that it was not in the deficiency bill.

Mr. MANN. I have been told that it was in the general deficiency law of last year.

Mr. HULL. I will say to the gentleman that the question has never been brought before us, except that here was the law, and we appropriated under it. When he was paid under the other law he was probably paid under the appropriation for the pay of the line.

Mr. TAWNEY. How is he being paid this year?

Mr. HULL. I suppose he is paid out of the line officers' pay.

Mr. KEIFER. When was the act passed which promoted him to the rank of a brigadier-general?

Mr. TAWNEY. In the closing hours of the last session of Congress.

Mr. KEIFER. Then his salary could not have been appropriated for in the last Army appropriation bill.

Mr. HULL. The law promoting him to be a brigadier-general expressly provided that while so serving he should have the rank, pay, and allowances of a brigadier-general.

Mr. KEIFER. This is the first time we could appropriate for

it in the Army appropriation bill, because I am told it was in the last days of the last session that this provision making him a brigadier-general became a law.

Mr. FITZGERALD. The gentleman from Iowa [Mr. HULL] said that if he was being paid out of the appropriation for the line, a crime was being committed. Now, what appropriation is he being paid out of?

Mr. HULL. There is this to be said about it, that when the law made the provision, under the paragraph on page 18, any surplus from one fund for the pay of the Army would go to make up any deficiency in any man's pay.

Mr. FITZGERALD. The gentleman from Iowa specifically stated that if he was now being paid out of the appropriation for the line, a crime was being committed.

Mr. HULL. Oh, no; I said that if we made this appropriation and gave him full pay here and then he took his pay on his lineal rank in addition that that would be a crime.

Mr. FITZGERALD. There was no such claim as that made.

Mr. HULL. That is what I understood the gentleman to say.

Mr. KEIFER. You said he was getting his pay.

Mr. FITZGERALD. Oh, no. Let me answer the gentleman from Iowa, so he will know the question I am asking. I am asking him whether at present the chief of this Bureau is being paid from the general appropriation for the pay of officers?

Mr. HULL. I think there is no question of that, and that he will be until this bill becomes a law.

Mr. FITZGERALD. That is what I tried to find out. This provision, then, is put in in pursuance of the law that gives this man the rank, pay, and allowances of a brigadier-general.

Mr. TAWNEY. Yes.

Mr. HULL. In pursuance of the law creating the office of brigadier-general for the Bureau of which he is chief.

Mr. FITZGERALD. Then I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

For interest on soldiers' deposits, \$100,000, and so much as may be necessary to pay back such deposits.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask for a little information. In reference to soldiers' deposits, what does the Government do with the money that is deposited by the soldiers upon which we pay this interest?

Mr. HULL. The Government uses it as all the funds of the Government are used—in any line they desire.

Mr. MANN. The gentleman says use it. We have no use for it.

Mr. HULL. We may have no use for it at all. The object of it, I will say to the gentleman, is that it has long been the settled policy of the Government to induce the saving on the part of the soldiers, and the Government pays the soldiers 4 per cent interest on it, giving that amount of interest even when the Government can borrow money at 2 per cent.

Mr. MANN. I have no objection to the policy; I believe in it; but in connection with the very wide discussion which is going on and has been going on for some time in reference to postal savings banks, it is proper to consider what the Government now does with the fund that it takes as the savings of these soldiers. It is practically paying interest on money without the use of the money.

Mr. YOUNG rose.

Mr. HULL. I will yield to the gentleman from Michigan.

Mr. YOUNG. I would like to say to the gentleman from Illinois that that matter was provided for in 1872 by section 1350 of the Revised Statutes.

Mr. MANN. I am sorry it was not provided for one hundred years ago. It has been a good thing, and the only regret I have is that you have reduced the appropriation \$43,000.

Mr. HULL. No; this is an estimate from year to year, and we have appropriated what the estimate called for.

Mr. MANN. We are paying 4 per cent annually. Last year you appropriated \$143,000 to pay this interest, and this year you propose to appropriate only \$100,000. What is the trouble with the Army?

Mr. HULL. It does vary up and down. That is a question of estimate by the Department.

Mr. YOUNG. The gentleman from Illinois must understand that some years soldiers withdraw more money than they do in other years, and, of course, the Government then pays less interest. That is the reason that this amount varies from year to year. This fund forms a part of the fund for the payment of the men. It is so provided by statute, and it is used for that purpose by the Government and a portion of the money appropriated for the pay of the Army.

Mr. MANN. It strikes me that it shows something is wrong about the Army. The fund is decreasing, and it ought to be increasing.

Mr. HULL. It does vary from year to year; it may go up one year and down the next.

Mr. MANN. It ought not to vary any more than the ordinary deposits in a savings bank. There are no such variations in the deposits of savings banks.

Mr. HULL. But in this case you are confronted with the proposition that 3,000 men have gone out and no enlistment to take their places. If you recruit the Army up, you will have more depositors; if the Army goes down, you will have less. It is a matter of computation by those having charge of the estimates, according to the size of the Army, and the amount, as I say, of the deposits will vary from year to year.

Mr. SCOTT. What is the reduction the gentleman spoke of?

Mr. HULL. I think in the artillery branch alone it is nearly 3,000. The conditions that prevail in the country to-day are not such as to largely facilitate the enlistment of men. The employment of labor is so great, men get all the employment that they can possibly ask for at remunerative wages, and that tends to call off the class of men that would otherwise go into the Army. Another reason that affects the artillery is that one term of service makes a large number of expert electricians; not expert in the highest sense, but expert in the common work of electric companies, both for cities and large corporations, and they do not reenlist.

Mr. SCOTT. In that connection I would like to inquire whether this bill makes any provision to correct that evil?

Mr. HULL. No; and under our rules it can not, but I hope within the next ten days to offer a bill which will tend to correct it.

Mr. SCOTT. By increasing the wages or salary of these men whose training makes them expert?

Mr. HULL. Yes.

Mr. KAHN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The pro forma amendment of the gentleman from Illinois will be withdrawn.

Mr. KAHN. The evidence before the committee shows another reason why the Army is not recruited to its full strength and why there is a constant falling off from the strength of the Army. It is due to the fact that there is no canteen; that, as a matter of fact, many men get temporary leave of absence to go away from the post, and instead of going to a reputable place to drink they go into low brothels, become drunk, and they fail to return to their posts, and become deserters. Now, the evidence before the committee shows that that is a condition, unfortunately, that does prevail in the American Army, and probably if the canteen were restored, there would not be so many desertions from the Army.

Mr. SCOTT. Will the gentleman permit an inquiry?

Mr. KAHN. Yes.

Mr. SCOTT. Was that evidence unanimous, or was it disputed?

Mr. KAHN. Well, mostly every Army officer who came before the committee who was questioned upon the subject stated that that was the fact.

Mr. SCOTT. Of course it is a matter of opinion, is it not, rather than of fact?

Mr. KAHN. I imagine that it is opinion based upon actual experience.

Mr. BARTHOLDT. Will the gentleman permit another suggestion?

Mr. KAHN. Certainly.

Mr. BARTHOLDT. Does he not think that the recent deplorable affair at Brownsville might have been avoided if the soldiers had had an opportunity to remain in the barracks and satisfy their desires with a mild beverage instead of being compelled to go outside and drink the poisonous stuff that is being served in these dives?

Mr. KAHN. Well, I will say frankly to the gentleman that I do not know the conditions that prevailed in Brownsville, but I do know the conditions that prevail in San Francisco, which is a large Army post. I know that when the soldiers get a furlough they go to the lowest dives in the city and become drunk, and many of them fail to return to the post. If they had a canteen to go to the chances are 99 in 100 that they would not desert from the Army.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

For subsistence, mileage, and commutation of quarters to officers of the National Guard attending service and garrison schools, \$10,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on this paragraph. I desire to ask the chairman of the committee if this is not an entirely new provision?

Mr. HULL. Yes.

Mr. TAWNEY. Now, we are appropriating annually \$2,000,000 for the support of the militia.

Mr. HULL. Yes.

Mr. TAWNEY. Is it not a fact that Congress contemplated, when it made this appropriation or increased the appropriation at the last session of Congress from one million to two millions of dollars, that that was to defray all of the expense that the Government should bear in connection with the militia, including the officers and their attendance upon any encampment or school that they might be called upon or given the privilege to attend?

Mr. HULL. Mr. Chairman, in answer I would say that if that was intended when the extra million was voted it failed. The provision which requires this payment is the so-called "Dick Act," which provided that the Government should pay this class of expense, and it has been heretofore paid out of the appropriation for the transportation of the Army and its supplies, I think, entirely. This is simply to segregate and make plain how much we appropriate for this purpose. I want to say to the gentleman that when we come to that item of transportation of the Army and its supplies the committee has incorporated another provision requiring hereafter the estimate for transportation and supplies under one head and detailed estimates for all the other items carried in that large provision. The militia act requires the payment by the General Government of these charges, and when we gave them the additional million of dollars for the militia it only applied to the same lines of expenditures for the militia that the first million stood upon the statute books of the country for years applied to.

Mr. TAWNEY. Then, if I understand the gentleman, while this provision is new, the service for which the expenditure is made is of long standing?

Mr. HULL. It is of long standing—ever since the passage of the Dick militia bill.

Mr. TAWNEY. And the payments have heretofore been made out of the item for transportation and supplies?

Mr. HULL. That is my recollection. They have always paid it, and they have in this simply segregated the item here so that Congress may know the amounts they were paying for this education of the militia officers.

Mr. TAWNEY. I did not know but that we were embarking upon a new service.

Mr. HULL. Not at all. It is provided in the Dick bill that this must be paid out of the appropriation for the Army.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

Noncommissioned officers and privates, 50 companies, \$497,131.20.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question for information. When does this Porto Rican regiment end its career by operation of law?

Mr. HULL. I think with this appropriation bill.

Mr. CLARK of Missouri. I am glad to hear that.

Mr. HULL. My recollection is—I may be mistaken in the year, but I think not—that the extension was made for four years in 1904, and it will expire in 1908. I understand the gentleman is referring to the Porto Rican regiment only and not to the Philippine scouts.

Mr. CLARK of Missouri. Yes; the Porto Rican regiment.

Mr. HULL. Because the Philippine Scouts are permanent law.

Mr. CLARK of Missouri. Yes; I know that. I withdraw the pro forma amendment.

The Clerk read as follows:

For paying the expenses of regiments, battalions, squadrons, and batteries of the organized militia of any State, Territory, or of the District of Columbia which may be authorized by the Secretary of War to participate in such brigade or division encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," \$1,000,000.

Mr. HAY. Mr. Chairman, I move to strike out the paragraph. I do not intend to discuss this question at any great length, because the chairman of the committee called attention to it when he was speaking on the bill the other day. I think that it is not necessary to have this appropriation every year. It seems to me that having it once in two years is sufficient and all that ought to be done. Not only does it cost the million dollars provided for in the paragraph, but in addition to that it increases the appropriation for the Army about a million dollars, making in all two millions. Therefore I hope that the committee will strike out the paragraph.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. HAY. Certainly.

Mr. TAWNEY. On what theory do you maintain that the appropriation should be made every two years instead of annually? Is it because they are not called out in this service or do not need to be called out?

Mr. HAY. Yes; I do not think they need to be called out.

Mr. TAWNEY. Your theory is the practice they get every two years will be sufficient for military purposes.

Mr. HAY. Ample sufficient.

Mr. YOUNG. Mr. Chairman, I hope that the motion of the gentleman from Virginia will not prevail. Under the present system of maneuvers our first year—namely, last year—was a great success. We had before us the Assistant Secretary of War and he said upon this question:

The CHAIRMAN. Page 22 you have an appropriation for the organized militia troops participating in camps of the Regular Army. Is it intended to have maneuvers this year?

Secretary OLIVER. We hope to put the regular troops under canvas, and if our scheme is carried out we will get the militia to participate.

The CHAIRMAN. Just as you did during the past year?

Secretary OLIVER. Yes, sir. Last year we did that experimentally, just to see how it would work. Apparently it has been a very great success. I have letters from most all the governors of the States in favor of it. We found last year that \$700,000 was inadequate, as the States spent \$125,000 outside of our appropriation, while twelve States did not take part in the camps.

And he then goes on to say that they hope to keep this camp this year for ten days instead of one week, as last year.

Mr. MANN. May I ask the gentleman a question? Is that the reason for the increase of \$300,000 in the proposed appropriation of this year over last year?

Mr. YOUNG. It is because they wish to extend the time and because they wish to give an opportunity to these other twelve States to participate.

Mr. MANN. Then a million dollars would not be sufficient. I suppose next year it will be a million and half.

Mr. YOUNG. No; I think not.

Mr. MANN. If they all participate and you extend the time, why does the gentleman think not?

Mr. YOUNG. I think it will not be necessary. I think a million dollars will be sufficient for years and I do think—

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. YOUNG. In just a moment. And I do think that there is no money expended for the benefit of the Army that gives greater and better results than this. It seems to me to be a matter of the utmost folly to try to have an organized militia or national guard and not give them the very best possible opportunity to learn the art of war, and that they can only do by participation to some extent with the regular troops.

Mr. FITZGERALD. I desire to know whether these maneuvers are conducted for the purpose of benefiting the men or the high officers?

Mr. YOUNG. They are conducted for the benefit of the Regular Army and for the militia. Our Army up to this time has been distributed mostly in small posts. There are few opportunities for large bodies of troops, such as a brigade, even to act together and maneuver together, and the purpose of this provision is to get brigades together and with them call in the members of the National Guard to assist them, and train both the men of the Regular Army and the men of the national guard, not the officers, but mostly the men. Of course it is a benefit to both.

Mr. FITZGERALD. One regiment of militia is taken from each State?

Mr. YOUNG. At least that.

Mr. FITZGERALD. Do they take more than one?

Mr. YOUNG. They have not so far.

Mr. FITZGERALD. How many years would it take for the National Guard of the State of New York, for instance, to get the benefit of this instruction?

Mr. YOUNG. We hope in a State like New York to have more than one regiment. We hope to have more than one regiment this year.

Mr. FITZGERALD. But the policy of the Department has made it impossible to take more than one regiment.

Mr. YOUNG. Oh, not the policy of the Department, but the policy of Congress, which only appropriated \$700,000 for this purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan have such time as he may desire.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Michigan have such time as he desire. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. Mr. Chairman—

Mr. YOUNG. I yield to the gentleman from California.

Mr. KAHN. Is it not a fact that the very purpose of having this appropriation annually is to take in different regiments every year from the various States, in order that they may all have an opportunity of learning the art of war in time of peace?

Mr. YOUNG. That is precisely so.

Mr. McCLEARY of Minnesota. Is it contemplated that the States shall make any contribution toward the expense?

Mr. YOUNG. That is as the States may wish. They have in the past contributed something in addition of their own free will.

Mr. MANN. Have they contributed anything of their own funds in addition to the \$1,000,000 which Congress contributes to them otherwise?

Mr. YOUNG. Their own funds.

Mr. KAHN. As I understand it, this money pays the traveling expenses of the State troops to the place of encampment. The expenses of the troops while at the encampment are, as I understand it, borne by the State.

Mr. YOUNG. That is true.

Mr. MANN. They just made an appropriation in here to pay commutation of quarters for the officers. Will the gentleman yield for a question?

Mr. YOUNG. Certainly.

Mr. MANN. The proposition has been made in some quarters, and the gentleman is more familiar with it than I am, that instead of having this encampment every year to which one regiment from a State shall be sent, that the Government of the United States shall send a regiment of the Regular Army to the State encampment, where all of the State militia may have a better opportunity of observing the national regiment. What is the comparative value of these two propositions?

Mr. YOUNG. I would say to the gentleman that both of those propositions have merit, and that it is the intention of the War Department now to some extent to send regiments to State encampments. That matter was gone over by Secretary Oliver in his hearings before the committee this year, and it is said that that will be with no additional expense to the Government. The troops will be sent there and paid out of the transportation of the Army.

Mr. MANN. The gentleman says "no additional expense, of course." I would say there would be "additional expense, of course." It is not possible to send a regiment of the Regular Army to an encampment without expense.

Mr. YOUNG. There will be no more transportation in the aggregate in the Army in doing that than there would be if it was not done.

Mr. MANN. Certainly the gentleman does not claim that sending a regiment of the Regular Army to a State encampment does not mean some expense?

Mr. YOUNG. If they were not sent there, they would be moved somewhere else.

Mr. MANN. Is it the policy of the War Department to keep the regular regiments on the railroads all the time?

Mr. YOUNG. For one reason or another they would have to be moved.

Mr. MANN. They do not have to be moved to this place. It can not be done without expense, and I do not see where the Regular Army authorities get authority, for no purpose connected with the Army, to send a regiment, for instance, from Fort Sheridan, in Illinois, to Springfield, in Illinois, in order to be observed by the State militia.

Mr. YOUNG. Well, the gentleman can study that question at his leisure.

Mr. MANN. No; I am trying to get light from the gentleman.

Mr. YOUNG. The "gentleman" is not discussing that question, and I will say that the gentleman from Illinois, in his hours of leisure and with his great studiousness, might devote, perhaps, some of his time, possibly, to that inquiry.

Mr. MANN. Well, I am inclined to think that somebody connected with Congress might do it, and if the gentleman who is connected with the Committee on Military Affairs declines to state the question, I suppose it will become necessary for some of the rest of us to do it; but we would like to obtain information from the people who ought to know it.

Mr. YOUNG. Of course the Commander in Chief of the Army has the right to move the Army for any military purpose to any part of the United States, and if it is thought for the benefit of the Army to move a part of it to some point where the National Guard is gathered at the time, unquestionably he has that authority and power, and it might be a wise exercise of his discretion. I believe, however, as I said before, that this provision which we are really discussing is one of the most important in this bill and that it ought to remain in it.

Such I know is the opinion of the officers of the Army; such

I know is the opinion of the Secretary of War and his assistant and all those who have studied the question.

Mr. MANN. Will the gentleman yield for another question?

Mr. HULL. Is the gentleman addressing me?

Mr. MANN. I wanted to ask somebody in connection with the committee in reference to the damages growing out of these encampments. We have a number of bills before the House to pay damages caused by soldiers at these places, as it is claimed. And there have been Army boards to pass on these claims.

Mr. HULL. Is the gentleman asking me that question?

Mr. MANN. I am making the inquiry and endeavoring to get an answer to the question.

Mr. YOUNG. I suppose that is true.

Mr. HULL. If the gentleman has asked me, I will take pleasure in answering. Of course every time we have an encampment there will be some damages growing out of it. Two years ago the War Department took the precaution to ascertain the damages immediately, in order that they might adjust it, and in that way there was but little trouble respecting the maneuvers at Manassas, but a great deal of trouble growing out of the maneuvers in Kentucky some years ago, and whatever damages there may be done the Government will be under a moral, if not a legal, obligation to pay. You will always have damages where you have maneuvers. In some cases it will be more and in some less, but this bill is only for the encampment, and the amount appropriated for it is provided in the bill.

Mr. MANN. Does the gentleman think, when he knows that these claims for damages are never likely to be paid, that they should pay them in one place and an equally large amount of claims in another should remain unpaid?

Mr. HULL. My impression is that when the Department has taken the precaution at the time of the maneuvers to adjust the damages at once and submit it that they can be paid, and should be, out of the appropriations.

Mr. MANN. There has been no such claim paid by Congress, it seems to me.

Mr. HULL. It has been paid for the maneuvers at Manassas, and most of them in full, out of the appropriation.

Mr. MANN. They have been paid out of the appropriation, then. That is what I wanted to find out—why one man got his claim paid out of the appropriation and another had his claim allowed by the War Department, but they said they had no appropriation.

Mr. HULL. In my judgment, that comes from the fact that in the first of the maneuvers too large an amount was expended on other matters. Take the maneuvers they had at Manassas, where they spent a million dollars in one week on a dress parade that was of no benefit to the country; then take the case of the encampment in Kentucky, where they had a large amount of damage. It was paid in the one case out of the allotment. The adjustment was made at the same time, and the settlement was made with the parties, and whenever they have saved enough of the allotment for each camp they have paid.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. MANN. There was a board of officers appointed—

Mr. YOUNG. I yield the floor.

The CHAIRMAN. The gentleman from Michigan is entitled to the floor.

Mr. MANN. The gentleman from Michigan has yielded the floor.

Mr. HULL. I ask that I may have ten minutes on this subject.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Kentucky. Before the gentleman proceeds I should like to correct one misstatement that he made, not intentionally, of course, that the claims at West Point were all adjusted immediately. There was a board appointed to adjust those claims, and they did adjust them. They scaled them from nearly \$30,000 to less than \$3,000, and those claims are not paid to this day, though it has been more than three years ago.

Mr. HULL. All I can say, Mr. Chairman, is that they should be paid.

Mr. SMITH of Kentucky. I think so, and I would be glad if the gentleman would consent that a provision should go into this bill for the payment of the amount that the Secretary recommends.

Mr. HULL. If an amendment is offered to this bill making that provision, I will not make any point of order, although this committee has no jurisdiction over claims. I want to speak a few minutes on the proposition involved in this mat-

ter. I think it is well known to all members of the Military Committee and the House that personally I am not in favor of these large maneuvers of the Army every year. I do not believe that the militia gets the benefit from them that it is intended that the militia should have. Take my own State, for instance, where we have two brigades. One regiment, and one only, goes to the encampment. If you could send from the regular force a regiment of infantry, a squadron of cavalry, and two batteries of artillery, under command of a brigadier-general of the Regular Army, to my State (and I am using that only as an illustration), to remain there during all the encampments of the militia, continuing for a month's time, every regiment of the militia would have the benefit of this instruction. But that proposition is not before the House at this time. I hope that that will be the policy in the future.

I am not willing to support the motion to strike this out, because if it is stricken out we have nothing to take its place. I believe that the maneuvers last year did great good, especially to the Regular Army, but very little good to the militia, because so small a number of regiments in the different States took any part in them. I do not believe these general rendezvous at four or five places in the United States will ever be available for the militia of the States generally, because the constitution of the militia regiments is such that men can not leave their business for any great length of time. They can not spare the time. Their soldiering is only an incident. The Regular Army, of course, can be concentrated at any time, and the men can remain in camp as long as the Government desires, but members of the militia regiments make their living in private life, and can not afford the time to go to distant parts of the country, even where their expenses are paid; but under the State laws they do go into State encampments every year, and they can have two weeks of actual information, instruction, and drill for each of the brigades, under Regular Army officers, if we take the Regular Army to the States in place of trying to take the States to the Regular Army. I believe this was of enough benefit last year to justify what we then expended. There is nothing better offered for this year. The committee determined that this was better than the ideas that I had on the subject. I hope that the gentleman from Virginia [Mr. HAY] will not press his motion for that reason.

Mr. HAY. Mr. Chairman, I feel constrained to press the motion that I have made, because I would not have made it if I had not thought it was wise to do so. So far as I have been able to learn, I have not been able to find that these maneuvers have been of much benefit to the National Guard. If this million dollars was spent in the States and in instructing the National Guard of the States I would be much more willing to vote for it. I do not believe that three or four days spent by the National Guard at one of these encampments of the Regular Army can be of much benefit. They are taken there from long distances. They only stay there three days at the outside, I believe the evidence shows, and are then taken back. It is a sort of junketing trip and nothing else. If we want to do something for the benefit of the National Guard, if we want to give them instruction from the regular officers of the United States Army, then let us appropriate money for that purpose, but do not appropriate it for the purpose of carrying troops from one end of the country to the other to participate in three or four days' maneuvers, which at the best do not bring about much benefit. It would be much better spent, as is suggested, in teaching them marksmanship instead of in these maneuvers. The maneuvers held in Virginia three or four years ago, for instance, were a perfect farce. They overran the country. They learned nothing, and it was a sort of dress parade in which the officers had a good time, but which resulted in no benefit whatever to the men. So, Mr. Chairman, I hope that the committee will vote for the motion which I have made to strike out this extravagant appropriation, which, in my judgment, would be of no benefit to the National Guard of the country generally.

Mr. PARKER. Mr. Chairman, I had not intended to speak upon this subject. I ask for ten minutes.

Mr. HULL. I ask unanimous consent that the gentleman from New Jersey may have ten minutes.

The CHAIRMAN. The gentleman from Iowa asks that the gentleman from New Jersey be allowed to proceed for ten minutes. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I had not intended to speak, because I could not believe that it was earnestly proposed to abolish the system of summer encampments for the militia and the Regular Army together that has been such a grand success of these last years. As to the amount, \$1,000,000 is what it costs on an average, counting all expenses, to support a single

regiment of 1,000 men, while this million dollars goes to the benefit of the hundred thousand men of the whole National Guard of the whole United States. It also goes to the benefit of the Regular Army, because it brings them where they have never before been put, in actual, earnest, sympathetic touch with the officers and men of the National Guard. That touch between the Regular and Volunteer Army, that sympathy, is something that has been sought for since the beginning of our Government, and only now is beginning to be attained.

The statement that these encampments are dress parades must be founded on some misapprehension. I was at one camp last summer to see how it was conducted. I found there four or five thousand regular troops and the same number of militia. The regular troops stayed for two months, while the militia came for a week at a time, not counting the time occupied in travel. It took nine or ten days to include that. They stayed in camp a whole week, and every day of the week was engrossed with duties that were not of parade. There was not a single dress parade during the whole week that the troops were there from my State. It was fully taken up with marching, camping, putting up their own tents, taking them down, with scouting duty, with sham battles, and with an amount of work that was such that the Regular Army at the end of that time was tired out, though that work was only such as trained soldiers ought to have. Our soldiers ought to avoid the garrison dry rot which has destroyed so many armies, where the officers live in quarters and the men live in the barracks, by bringing them together in actual service, in the actual work and duty of the tented field and in camp where the captain's tent is at the head of every company street. Men in that way get to know their officers and trust in them, and officers learn to know their men.

This work now being done can not be done in any State camp, for, so far as I know, there is no State camp in the United States that affords room for the maneuvers of a brigade, much less for an actual sham battle. That was true of the first camp at West Point, but now we have secured grounds of ample size. At Mount Gretna the ground marched over was 10 miles long and 3 or 4 miles wide, with enough room for ordinary maneuvers. They had large maneuvers at Gettysburg, if they were hard on the men, and they taught our men the value of marching and that it must be able not only to shoot and obey orders, but to get there. At Fort Riley, in Kansas, we have a large reservation, and in other States there are others. What is needed for the training of brigades, when artillery shoots 5 or 6 miles and rifles carry a mile, is ground enough to march the men from place to place to find out the possibilities for cover under which men can get within the range of the modern rifle and the modern gun and to teach the soldiers the whole business of scouting and taking care of themselves in the field. We can give life to an army only by bringing it together in such larger bodies as are used in actual war and by giving that sympathy between the regular forces and the militia which we must have if we ever get into a real war. By these summer maneuvers we give, as far as may be, that training to the citizen soldier upon whom in the end we must rely. Mr. Chairman, I hope this amendment will not be adopted. [Applause.]

Mr. MANN. Mr. Chairman, the gentleman from Iowa referred to the damages that were paid in such a way that would leave one to infer that they were damages caused by irresponsible people for which the Government would not necessarily be legally liable. Now, the fact is that at West Point, Ky., the Government Army officers entered into contracts with the people there, whose land was to be used, providing in the contract for payment of the damage not only to the crops, but to all the fences and other things which might be damaged, and providing for the appointment of a board of Army officers. That board of Army officers was appointed. They considered all the claims. The amount of the original claims was \$21,635. The Army board allowed \$2,837.24. I do not know how much had been appropriated by Congress for this encampment, but although this award was allowed some years ago, not a dollar has been paid, and if it is the policy of the War Department to enter into contracts of this sort on these encampments of the State militia, to go in and damage property, ruin the crops of the people who happen to own the land there, and then content themselves merely with appointing a powerless board and paying no money, we better stop the encampment entirely.

Mr. HULL. Mr. Chairman, I would say that, in my judgment, they ought never to allow the expense or damage to exceed the amount appropriated for the encampment. They evidently have done that in this case, and it now becomes a claim. The Committee on Military Affairs has no jurisdiction over claims at all, and I paid no attention to that.

Mr. MANN. I understand that. I am not criticising the judgment of the gentleman in charge of the bill.

Mr. HULL. I reiterate what I said before—that in pursuance of law they hold these encampments, and as a result of encampments the citizen is damaged, through no fault of his own, in property, and it is the duty of the Government to pay the claim, whether it comes before the Committee on Claims or where it may come.

Mr. MANN. We all know what the result of sending a bill to the Committee on Claims is. These amounts are small to begin with. Possibly they might have sustained a claim in the Court of Claims, but if the War Department, when we make an appropriation as is proposed here of a million dollars, proceeds to walk into a man's field and ruin his wheat crop and then say to him, "Oh, you can file a claim, if you want to, against the Government"—if that is to be the policy I think we had better stop the encampments. That was the policy in this case. Congress made an appropriation for this encampment. The encampment was held.

Mr. HULL. I think that was the first encampment.

Mr. MANN. They entered into contracts for the use of the land upon which to hold the encampment, making the agreement to pay the money, and thereupon expended the money for I don't know what—gold or gilt, I suppose—not keeping back enough to pay these claims, not even a sum of less than \$3,000.

Mr. HULL. Right there I think the gentleman is referring to the first encampment ever authorized. There has been none of this trouble, I understand, since the first encampment. That is not justifying, however, the fact that any such thing ever happened, but I think that has not happened in the last two encampments.

Mr. FOSTER of Vermont. Mr. Chairman, I would like to ask the gentleman from Illinois if, upon his own statement, this is not one of those just claims he described the other day, when we had some of the war claims under consideration, where it is perfectly easy for a creditor of the Government to get a judgment against the United States and then collect his judgment?

Mr. MANN. It is perfectly easy, I may say to my distinguished friend, for a man to get a judgment against the United States Government and collect, but it happens in this case that there are a number of claimants—194, I am informed—having a total amount due them of less than \$3,000. It may be the gentleman's idea of justice, but not mine, that those men should be required to sue in the district court of Kentucky. I think that the War Department, to which is given the money to carry on these encampments, ought to pay these bills. These men could collect their claims through the district court of Kentucky, on a certification to the Congress of the United States, but that is a denial of justice for which the Department is responsible.

Mr. FOSTER of Vermont. I only call attention to this fact because I understood the other day that the gentleman was urging most strenuously that Congress ought not to consider these bills where a creditor could resort to a court and get his judgment and collect his judgment as he could against a private citizen. I understood the gentleman from Illinois is advocating that policy on the part of Congress, and while I do not believe in that position—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman understood me correctly. I do not believe it ought to be the policy of Congress to waste time over paying 5-cent claims, but I believe Congress ought to provide by law so that the War Department, when it enters upon duties which involve the payment of these claims and it has money provided for that purpose, will be compelled to use the money for that purpose, and not expend it for anything else, and then put Congress to the trouble of considering these claims. It is an outrage upon those people, for which somebody is to blame and for which we are not to blame.

Mr. FOSTER of Vermont. Mr. Chairman, I agree with the gentleman fully, and I hope hereafter when we have other claims coming before the House he will look at it in the same way.

Mr. MANN. I do not know whether I would favor the payment of this as a claim or not. I make no promises on this account, I will say to the gentleman.

Mr. FOSTER of Vermont. No; you will raise an objection when it comes up.

Mr. MANN. Well, I have not to any bill of the gentleman. I may have that opportunity some time—

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I have no objection to the appropriation of a million dollars for the training and support and all that of the militia of the States if it were not coupled with this provision that it is to be expended by the War De-

partment in supporting these joint brigade and division encampments at which the Regular Army and the militia will cooperate. I believe that that is money absolutely thrown away, and I believe it is a great deal worse than that. I have not witnessed a great many of these performances and I hope I may never witness another one. I saw one. One of them was brought into the neighborhood of the town in which I live and located about a mile outside of it. Regular batteries were transported from Fort Sheridan and cavalry from every direction, and infantry of the Regular Army were brought down there into that locality, and then there was brought from various sections of the State militia regiments, and they went through some sort of a performance there for two or three days. Among the rest they had a sham battle, and among the rest they undertook to maneuver on a large scale, as an army would maneuver. Well, I served four years and upward in the Army at a time of active service in war and, with a single exception, I never saw any regiment, brigade, division, battery, or squadron ever maneuver either in camp or in battle upon any of the magnificent plans and details that they undertook to perform down there, and they might just as well had a show and a performance on a slack rope and exhibitions of equestrianism for the benefit of a militia of Ohio as to have the performance they had, so far as benefiting the State troops went. In the first place, it may be useful for the Regular Army. Let them have their encampments and whatever is necessary. I do not propose to dictate, but I say this, the militia of the States is organized for quite another purpose. We all understand that. We are not training soldiers for war purposes in the militia of the States. Ulterior benefit may be found in case of war. If we have a war soon we may get a great deal of benefit out of the young men now in the State guard, but primarily they are organized for purposes of protection of the people of the States, as a posse comitatus, armed to support the civil authorities, and in the meantime, as I have said, the ulterior benefit may come in case of war. But this is my point, to handle these troops in the form of a brigade movement, division movement, sham battles, is absurd, so far as the State militia is concerned. Then there is another thing. I do not know what other people's experience has been, but the experience at the town where I live was such that we never want to see any Regular Army conglomerate performance such as that was ever come near us again.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GROSVENOR. Mr. Chairman, I am speaking under a great deal of difficulty, for I am not feeling at all like speaking now, but I had come to this point. I am going to tell you now what happened at that encampment. I never would have said a word about it if it had not been brought out in the records of the country in the affair that is going on in the Senate. There is always an irritation and conflict between these farmers' sons and merchants' clerks and men of the Regular Army in these encampments. Some trouble happened in the town of Athens, and a soldier of the regular battery was arrested for being drunk and disorderly on the street and locked up. Some time during the afternoon a soldier of his battery came up and located him in jail. That night somewhere from fifty to seventy-five members of the battery slipped one by one out of the camp, organized themselves into a small force, marched up into the town, marched up to the jail, and just about the time they were about to attack the jail, probably—as seems likely from the facts—a guard of infantry of the State Guard, commanded by a young man—a sergeant or corporal—named Clark, ordered them to halt, and from ten to seventy-five shots were fired instantly and young Clark fell dead on the street. Three others were wounded, and a citizen was wounded, and the bullets flew in every direction, breaking windows and firing into houses. And, incidentally, this whole force scattered and fled.

I do not care to go further. There never was a man punished for anything connected with it—I mean the shooting of Clark and others. There never was an officer of this battery called on to make a report, so far as appears to the public; there never was any report made by the captain and other commanding officers of that regular battery, and the feeble attempt of the local authorities to punish the men who committed that cold-blooded murder was utterly futile, for reasons that I do not care to go into just at this time under the surrounding circumstances. The young prosecuting attorney, J. M. Foster, esq., did his duty, but, for reasons I will not now state, failed. One man was convicted of an assault with intent to kill, for an assault he had made at a distance from where the murder was

committed, and that whole encampment was filled with factions and bitterness and troubles of that character, growing up almost necessarily between the Regular Army soldiers and the men of the Ohio State Guard.

So I may be prejudiced by what I witnessed, the horrors of that occasion, and the utter inability of the State authorities to successfully ascertain who the murderers were. I could go a great deal further and show you a great deal more about this, show how little aid we had, how a great deal of trouble was thrown in our way, show the factional conditions between those regular soldiers, including their officers and including the War Department here, who took up the cudgel in opposition to the authorities, and in opposition to the militia of the State.

They ought not to be put together. There is absolutely nothing in it. And let me summarize why. Drill the Regular Army as much as you please, and maneuver it as much as you please. These long marches and these maneuvers are in no wise incident or beneficial to the militia of a State.

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. GROSVENOR. Certainly.

Mr. CRUMPACKER. Were there any colored soldiers at that encampment?

Mr. GROSVENOR. Not one.

[Cries of "Vote."]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY].

Mr. HEPBURN. Mr. Chairman, I would like to ask the chairman of the Committee on Military Affairs if he will give the committee the benefit of his opinion as to the comparative value of this appropriation for target practice of \$1,300,000, and the appropriation of a million of dollars for militia maneuvers?

Mr. HULL. Well, Mr. Chairman, I regard the appropriation for target practice as of higher importance than any other appropriation to increase the efficiency of the Army.

Mr. HEPBURN. Is there any such relation between the value of those two endeavors as would be indicated by the appropriation of a million and a million three hundred thousand dollars? Is not the target practice of infinitely greater advantage?

Mr. HULL. Oh, I think so.

Mr. HEPBURN. Then, why is it that the committee appropriates in that proportion?

Mr. HULL. Mr. Chairman, it would be impossible to appropriate for target practice any reasonable amount that would aggregate the sum that must be appropriated for maneuvers. We have now largely increased the appropriation for target ranges, and have furnished an incentive in the Regular Army, especially, for target practice by increasing the pay per month, and the pay has increased to those who have qualified as marksmen, expert marksmen, and sharpshooters. All enlisted men in the Army may so qualify. But I see no way by which we could appropriate the sum of a million dollars for improving marksmanship without distributing it to increase the efficiency in target work by giving to each man, as he won his standing by his skill. It may go over a million or fall far short.

Mr. HEPBURN. Mr. Chairman, for myself I look upon this appropriation of a million dollars for encampment of the militia and for maneuvers of the militia as an absolute waste of money. The militia, as a rule, are not the volunteers who in time of war augment the Army. For example, the gentleman from Iowa will remember that nine years ago when his own State was called upon for regiments of volunteers, we had then four what I might call "skeleton" regiments. They aggregated about 400 men to a regiment. They were already officered. When we came to the enlistment of those men, or, rather, the mustering in of those men to the service of the United States, a very large percentage of them were rejected.

Mr. HULL. I think about 15 per cent only were taken.

Mr. HEPBURN. I had thought 30. I have seen a statement somewhere that 70 per cent were rejected. See what a skeleton remained. Yet there was a complete skeleton. It was difficult to fill up those regiments to the maximum, and a long time, the gentleman will remember, was consumed while we were trying to get them, and when the regiments were finally formed and mustered into the service they were new men. They were not the men who might perhaps have participated in these encampments or others. They were a detriment, the small number that constituted this regiment. If the Government had made a call for a complete regiment of volunteers, officers to be appointed with the formation of the regiment, there would have been men interested in securing enlistments; but the officers were already appointed, and there was no incentive of that kind, and on that account, and on that account alone, I say it was a detriment. I do not believe that these maneuvers would be beneficial even if these same men—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEPBURN. I should like to have about five minutes more.

The CHAIRMAN. The gentleman from Iowa asks that he have five minutes more time. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. If the same men that had participated in the encampment had gone into the service, I think that this expenditure would still have been, in large part, a waste. Infinite time is consumed by a regiment in tactical movements. Months and months are expended in that way, and yet there is not a gentleman in the sound of my voice who does not know that on any occasion of real service of a regiment they could not use probably more than half a dozen movements during the course of a battle. A change from column to line and from line to column, an oblique movement, a partial wheel, the deployment into skirmish line—that would cover every movement that would probably be made by a regiment. Half a dozen movements would cover them all; and yet we spent hours and days and weeks and months in tactics and scarcely a moment in preparing men for the real business, namely, to shoot with accuracy.

I was a member of a regiment for over three years. I never saw target practice by that regiment; and yet months were expended in fitting ourselves for dress-parade movements that in actual service never were undertaken.

Gentlemen in the discussion of yesterday and this morning of the battle at New Orleans remind me of an incident I have somewhere read concerning those troops that wrought such havoc upon the British. The men in the front rank, according to this statement, fired three volleys and the men in the rear rank fired two volleys, yet there were results obtained equal to the whole number of these soldiers, showing that a result was secured for each two and a half shots. These men were marksmen. They had had target practice of immense benefit to them. They were efficient. And that is what we want with our Regular Army—to make them efficient. Ten thousand such men as were at the battle of New Orleans, composing Coffee's brigade, are worth more than the whole Regular Army when it comes to the use of the musket. Ten thousand men that could produce such results as these are worth more than 100,000 men that waste cartridges as cartridges are wasted. During the Mexican war we expended 70 cartridges to produce a result, and in those times they used buck and ball cartridges, having nine missiles in each cartridge. At the battle of Murfreesboro 119 cartridges were expended to produce a result. I was told by an officer who was present at the battles around Santiago that, in his judgment, more than 500 cartridges were expended to produce a result. How much more efficient would one-twentieth part of these men have been had they been skilled as were the men that composed the army of Jackson.

Therefore it seems to me that the one expenditure that we ought to be most willing to make and most zealous to have properly used is that for target practice. If you intend to make an army that will be efficient, you can not accomplish much in results by expending this money on the militia, because you have no certainty that the men whom you have thus educated will serve in time of war. But it is not so with the Regular Army. Every man in it ought to be made efficient with his musket. It does not matter, if he is so efficient, whether he can perform the fanciful Fourth of July evolutions or not. You want him capable of performing half a dozen of these movements; but you want him to be able to march and march with celerity. It was the rapidity of movements that was made possible by the drill in marching that made Jackson's army so formidable; their ability to move; their knowledge of logistics; their ability to use that knowledge in actual marches by night or day. It made them efficient. When you have our Army in such a condition that it can march, in such a condition that it can shoot with accuracy, it shows that there has been discipline, and it becomes a terror to its enemies. [Loud applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. HAY], striking out the paragraph.

The question being taken, on a division (demanded by Mr. HAY), there were—ayes 27, noes 50.

Accordingly the amendment was rejected.

Mr. SMITH of Kentucky. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kentucky offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert the following as a new paragraph:

"For paying claims for damages incident to the Army maneuvers at West Point, Ky., in the year 1903, the sum of \$2,837.24, to be immediately available."

Mr. HULL. I reserve the point of order against that. My understanding from the gentleman from Illinois was that the board of Army officers reported about \$3,000.

Mr. SMITH of Kentucky. They reported the exact amount in this amendment—\$2,837.24.

Mr. HULL. I understood the amendment to read \$28,000.

Mr. SMITH of Kentucky. Oh, no; \$2,800.

Mr. HULL. Then I will not make the point of order.

Mr. MILLER. Mr. Chairman, I want to inquire of the gentleman if this matter has not been before the Committee on Claims of this House and reported favorably to the House?

Mr. SMITH of Kentucky. Yes; a bill for the payment of these claims was introduced by myself in the first session of this Congress, referred to the Committee on Claims, and, I believe, on March 26 last year the Committee on Claims reported the bill for the payment of these claims, and it is now on the Calendar.

Mr. MILLER. Is the amount that is included in the amendment the same amount as that reported by the Committee on Claims?

Mr. SMITH of Kentucky. Taken from that report, just exactly the same amount.

Mr. HULL. Mr. Chairman, I want to move an amendment, provided that the sum mentioned shall be paid out of this appropriation.

Mr. SMITH of Kentucky. That is perfectly satisfactory to me.

Mr. HULL. I want to reduce the appropriation by this amount and keep these claims all paid up out of what we give the militia.

The CHAIRMAN. The gentleman from Iowa will furnish the Clerk with the amendment.

The Clerk read as follows:

Provided, That the sum of \$2,837.24 of the appropriation for the militia herein shall be expended in paying claims for maneuvers at West Point, Ky., in the year 1903.

Mr. PERKINS. I wish to reserve a point of order to the amendment.

The CHAIRMAN. The gentleman is too late in making his point of order against the amendment offered by the gentleman from Kentucky.

Mr. PERKINS. I wish to reserve a point of order against the amendment offered by the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. The gentleman may reserve a point of order against that.

Mr. PERKINS. I should like an explanation of the nature of this appropriation. Upon what theory is it that the Government is to be made responsible for damages caused by these encampments of militia? It seems to me this opens up a fertile field for future claims.

Mr. SMITH of Kentucky. Mr. Chairman, in answer to the gentleman's question I want to say that the land upon which the whole of these maneuvers were held was secured by the War Department, through its proper officers, and in the lease they provided that in addition to 5 cents an acre rent for the land they would pay such damages as might be done to the growing crops, fences, and other improvements by the soldiers during the maneuvers, and that these damages should be ascertained by a board of Army officers and reported to the War Department. They were so ascertained by a board of Army officers. The claims filed amounted to about \$21,000, but the Army board scaled them down to \$2,837.24, and the Secretary of War at every session of Congress since that report was made has recommended the payment of these claims.

Mr. PERKINS. Why was it necessary for the gentleman to go to the Committee on Claims, if this is based upon a contract made with the Government?

Mr. SMITH of Kentucky. There were 194 claims, ranging from 50 cents to \$5 or \$6 apiece. The gentleman from New York can well understand that no one claimant could afford to go into the Court of Claims on a sum of that size. It would be ridiculous to think of sending 194 claimants into the Court of Claims on little sums from 50 cents or \$1.50, and so on, until the largest one, perhaps not amounting to more than \$5 or \$6. The Committee on Claims, to whom the bill was referred, reported it unanimously last March.

Mr. PERKINS. How is the money to be paid?

Mr. SMITH of Kentucky. To the various claimants by the Secretary of War.

Mr. PERKINS. Why was this not a proper item for the Committee on Military Affairs in the beginning?

Mr. SMITH of Kentucky. I do not know, but I understand that the Committee on Military Affairs, as the chairman has stated on the floor of the House, had no jurisdiction of this

subject, and hence the bill was introduced for the payment of these claims, and was referred to the Committee on Claims, of which the gentleman from Kansas [Mr. MILLER] is chairman. That committee, as far back as last March, unanimously reported a bill, and it is now on the Calendar.

Mr. PERKINS. Were these damages occasioned by men in the Regular Army or by militia?

Mr. SMITH of Kentucky. Both, as I understand; they were regulars and militia together.

Mr. PERKINS. Damages done by marching over the fields?

Mr. SMITH of Kentucky. They were all under the command of United States officers.

Mr. MANN. The claims, as shown by the report of Army officers, were not for wanton destruction of property, but were for claims contemplated by the original contract.

Mr. PERKINS. Damages caused by the men marching over the ground?

Mr. MANN. Soldiers marching over the growing fields, and such as that.

Mr. PERKINS. Any claims for the destruction of buildings?

Mr. TAWNEY. No destruction of buildings, but destruction of fences and things of that kind.

Mr. MANN. It was the necessary destruction that would occur in any encampment, and they ought to have been paid out of the original appropriation; but I suppose that was exhausted in the maneuvers without saving any portion of it, as should have been done.

Mr. PERKINS. In view of the statements, Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Kentucky.

Mr. OLMSTED. Mr. Chairman, I would like to ask the gentleman from Iowa if he does not think his amendment should be a little more specific?

Mr. HULL. I have no objection to making it as specific as necessary, if the gentleman from Pennsylvania will indicate it.

Mr. OLMSTED. It did not seem to me to state the character of the claims, as I heard it read.

Mr. HULL. Mr. Chairman, I ask that the proviso be read again.

The CHAIRMAN. Without objection, the Clerk will read it. There was no objection, and the Clerk again read the amendment offered by Mr. HULL.

Mr. MANN. Mr. Chairman, I suggest that there be added the words "claims allowed by the board of officers convened by Special Order No. 162, Headquarters Department of the Lakes, September 6, 1903."

Mr. OLMSTED. That covers my objection.

Mr. HULL. I followed the language of the amendment of the gentleman from Kentucky and inserted it in the proviso.

The CHAIRMAN. Without objection, the amendment proposed by the gentleman from Iowa will be modified as suggested by the gentleman from Illinois. Is there objection?

There was no objection.

The CHAIRMAN. The question now is on agreeing to the amendment as modified offered by the gentleman from Iowa to the amendment of the gentleman from Kentucky.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky as amended.

The question was taken; and the amendment as amended was agreed to.

The Clerk read as follows:

SUBSISTENCE DEPARTMENT.

Purchase of subsistence supplies: For issue, as rations to troops, to civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), to military prisoners at posts: *Provided, That hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War, and for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers' laundry, and tailors' materials; for use of general prisoners confined at military posts without pay or allowances, and recruits, including applicants for enlistment while held under observation at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts, and for toilet paper for use by enlisted men at posts, camps, rendezvous, and offices where water-closets are provided with sewer connections, or where the sanitary conditions require its use. For payments: For meals for recruiting parties and recruits, including applicants for enlistment while held under observation; for hot coffee, canned meats, and baked beans for troops traveling, when it is impracticable to cook their rations; for coffee roasters, for cooking apparatus in the field and when traveling (except on transports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books and forms,*

printing, advertising, commercial newspapers, use of telephones, office furniture, commissary chests and outfits, and field desks of commissaries; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department): *Provided further*, That hereafter the Secretary of War may cause to be sold at public sale, in Cuba or the Philippine Islands, under regulations to be prescribed by him, such subsistence stores in good condition, intended for issue or for sales to officers and enlisted men, as may from time to time accumulate at any subsistence depot, military post, or in the field, in excess of amounts required for use and which can not, with economy and advantage, be shipped to other subsistence depots, posts, or places for military use, the proceeds to be immediately available for general disbursement, under the appropriation for subsistence of the Army current at the time of sale for any of the objects contemplated by that appropriation; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for payment of commutation of rations to the cadets at the United States Military Academy in lieu of the regular established ration at the rate of 30 cents per ration; and for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough; to ordnance sergeants on duty at ungarisoned posts; to enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind; to enlisted men selected to go to contest for places or prizes in department and Army rifle competition while traveling to and from places of contest; to male and female nurses on leaves of absence; to applicants for enlistment while traveling under orders; for payment of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, and for enlisted men applicants for enlistment held under observation and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, N. Mex., 50 cents per ration is authorized for enlisted patients in said hospital), to be paid to the surgeon in charge: *Provided further*, That hereafter officers entrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War; for subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; for ice to organizations of enlisted men stationed at such places as the Secretary of War may determine; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; in all, \$6,499,984.50, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund.

Mr. TAWNEY. Mr. Chairman, I want to reserve a point of order to certain new matter contained in this paragraph. I desire to ask at this time whether it is necessary to reserve the point of order against the entire paragraph in order to reach the new provisions?

The CHAIRMAN. No; the gentleman can reserve it against any portion of the paragraph.

Mr. TAWNEY. There are two provisos that I want to reserve points of order against. On page 20, beginning with the word "Provided," on line 18, and continuing over on page 21 to the word "appropriation," line 6; and on page 22, beginning with the word "Provided," on line 8, down to and including the word "war," line 14. These are new provisions, I think, and there is some information I desire of the chairman.

Mr. MANN. Mr. Chairman, in addition I desire to reserve the point of order for the present to the expression in the paragraph which occurs several times, "applicants for enlistment while held under observation."

The CHAIRMAN. Will the gentleman point out where that expression occurs.

Mr. MANN. On line 22, page 19, is one place, "including applicants for enlistment while held under observation." On page 21, line 25, "applicants for enlistment while traveling under orders," and on page 22, lines 3 and 4, "applicants for enlistment while held under observation."

Mr. HULL. Mr. Chairman, there are several changes here:

Provided, That hereafter the emergency ration prescribed for use on emergency occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War—

Mr. MANN. There is no point of order made on that.

Mr. HULL. Then, to the phrase, "including applicants for enlistment while held under observation," I understand the gentleman from Illinois reserves the point of order.

Mr. MANN. Yes. I would like to ask the gentleman a question.

Mr. HULL. Under the previous regulations of the Department a man, for instance, at Des Moines enlisting in the Army was immediately examined and sworn in. That has been changed so that he simply proposes to enlist, passes a preliminary examination, but is not mustered into the service until he goes to a camp of concentration of all recruits, where he is carefully examined by a Regular Army officer. During this period he is held under observation.

Mr. MANN. It used to be the custom, as I understand, to have these applicants examined by the surgeon at the recruiting station.

Mr. HULL. In the locality.

Mr. MANN. And now it is proposed to have the applicant examined by the recruiting officer and then sent to the general concentration camp?

Mr. HULL. He may have an examination by a local doctor, but he is not mustered in, and under the present law there is no way to feed him and pay him.

Mr. MANN. And that is the reason for this?

Mr. HULL. Yes.

Mr. MANN. That is perfectly satisfactory, and I will withdraw the point of order on that.

Mr. TAWNEY. Now, Mr. Chairman, before the gentleman from Iowa proceeds, I will point out to him what my objection to this paragraph is. It is not so much against the condemnation and sale.

Mr. HULL. This is for sale without condemnation.

Mr. TAWNEY. Yes; this is for sale without condemnation, at a price to be fixed by the commanding officer. The objection I have to this—and I think the gentleman will agree with me that it might lead to very dangerous practices—is that the proceeds derived from the sale of these supplies goes back into the Treasury and is credited to the appropriation for subsistence. It may be that that opens the way for the officer whose duty it is to purchase supplies to purchase more than may be needed at a given post for the purpose of aiding the officers at that post in securing, when these extra supplies are sold, supplies which they need, at a cost very much below what the Government paid, and then turning the money into the Treasury. The officer who is responsible for the administration of the appropriation loses nothing whatever. This money goes right back again to the credit of the appropriation. I would have no objection if the gentleman would accept an amendment, on line 3, page 21, after the words "to be," whereby all after that is stricken out and then substitute the words "paid into the Treasury of the United States." Then there would be no inducement on the part of the officer to buy for sale.

Mr. MANN. That would be reenacting the existing law.

Mr. TAWNEY. If that is so, then the thing I am endeavoring to accomplish will be accomplished by striking out all after the words "to be," in line 3, after that proviso. If it is worded so that the proceeds of the sale of these supplies would go back into the Treasury and not go to the credit of the appropriation, then the officer whose duty it is to administer this appropriation would see that there were no extra purchases made, because to that extent his appropriation would be reduced, and I think it would tend to good administration and prevent abuses that might otherwise arise.

Mr. HULL. Mr. Chairman, the proposition submitted to the Committee on Military Affairs was to give the power to sell under certain conditions goods that had not been condemned at any post. The arguments that have been used by the gentleman from Minnesota [Mr. TAWNEY] would be good if we had made it so broad as that. But we restricted it to Cuba and the Philippine Islands only, because to open it up for sale at all the different posts of this country would lead or might lead to very grave abuse.

Mr. TAWNEY. There is no doubt about that.

Mr. HULL. The only argument that can be given for it in Cuba and the Philippine Islands is the fact that, for instance, in Cuba we have quite a large army of occupation at the present time. The authorities properly keep a surplus of supplies on hand there. In the event of the army being ordered home the expense of transporting the subsistence supplies back to this country would be very considerable, and yet if you do not allow them to use this money for the purpose of purchasing other supplies in this country they would ship them back for the reason that they must have the rations if the army is kept to the number estimated for when this appropriation is submitted to us.

Mr. TAWNEY. They would have the power, assuming now that they have a larger quantity of relief supplies in Cuba than will be needed during temporary occupation and have a supply on hand when the Army moves back to the United States again—they would have the power, under this authority, under this provision, to sell the surplus, would they not?

Mr. HULL. Yes; if this stays in the bill.

Mr. TAWNEY. Now, if they were required to put the proceeds from the sale of that surplus stock back into the Treasury, if it depleted their appropriation to any extent so as to make it necessary for them to come in and ask for a deficiency, it would be such a deficiency, an emergency deficiency, as would be entirely legal; and would it not be better to require them to do that than to open the door for them, either in Cuba or the Phil-

ippine Islands, to thus attempt to either increase their appropriation or buy more than they really need in order that they may help some fellow out by selling him at a price below cost?

Mr. HULL. I can see no object in buying more than they need to send to Cuba. I can see an object in buying more than they really need if officers were at all dishonest and sending it to the frontier of this country, because the Government ration is worth the same everywhere to the Army. An officer of the Army pays the same in Alaska for supplies furnished by the Commissary Department as he does in New York. In other words, the freight that is added to this is not charged to the Army, but it is sold at the same price in Manila, Chicago, or in Alaska, and properly so, because if the officer had to carry the load of additional transportation it would destroy his ability to live in some parts of Alaska. He is not there on his own motion. He goes where the Government sends him, and he is put on an equality, so far as the expense is concerned and so far as the Government can, with every other man in the service. Now, I do not believe this provision ought to prevail at all as to any posts in the United States proper. I am not anxious for it to prevail anywhere, but yet, as I say it might be, as I illustrated in Cuba it would be, of actual benefit to the Government itself to give them the right to sell surplus stores rather than to retransport them back to this country. If they are condemned, they get the benefit of the condemnation. If they are good, they can not sell them at all. They can move them, though, and the Government pays the freight. They can move them from one end of the country to the other as demanded by the service.

Mr. TAWNEY. I would say to the gentleman—

Mr. HULL. Just one minute. If there is danger in the minds of Members of this being abused by officers selling to increase their appropriations it ought not to stay in at all. I do not believe in the danger.

Mr. TAWNEY. My attention was first attracted to this provision because in an examination of several appropriation bills, especially the sundry civil bill, I found that there is a growing tendency in the Departments and bureaus of the Government where they sell anything to have the proceeds of that sale turned back into the Treasury to the credit of their appropriations. They are utilizing official services employed in the production of certain articles which they are selling under the authority of law, and they are always trying to have the proceeds of such sales credited to their appropriations and thus increase their appropriation. To prevent this, I think they should be required to transfer the money to the Treasury of the United States. That would prevent any abuse.

Mr. HULL. My judgment is, if you make that requisition they will ship all stores back in order to avoid a deficiency. That would be my guess, and it is only a guess.

Mr. MANN. Is it not a fact your appropriation is always a good deal larger than the actual expenditure?

Mr. HULL. No; not on subsistence.

Mr. MANN. How much more did you appropriate last year than was expended?

Mr. HULL. This year has not been entirely used up yet, but the Commissary Department stated that it would be all used up before the close of the fiscal year.

Mr. MANN. You aim to make a larger appropriation and usually have done that?

Mr. HULL. There is sometimes a saving by the reduced cost in buying food, and sometimes there is a deficiency on account of the increased cost of food.

Mr. MANN. It has been charged in some of these places, possibly in the Philippines and sometimes in Cuba in the past, that the people enjoyed the benefit of purchasing Government supplies at a great profit to themselves and at considerable loss to the Government.

Mr. HULL. That was true in the Philippine Islands, where all parties connected with the insular government for one or two years had all the privileges of the commissary that were extended to officers of the Army. That has been taken away now, as I understand it, and should have been done, and that privilege never should have been extended.

Mr. MANN. Does the gentleman think there might be danger of that sort of thing if an officer can buy supplies, sell them, buy more supplies with the money, sell them, buy more supplies, and conduct a regular retail or wholesale business?

Mr. HULL. That would never happen at public sales. Where these abuses crept in happened at private sale by order of the Department. This is only for public sale, and it seems to me that the danger is exceedingly remote that an officer would order a sale of the commissary stores where the whole world knows what he is doing, and make an abuse of the privilege; but if there is danger of that in the mind of any man I shall

not oppose any proposition to strike it out on the point of order, but I think it is a good provision. I think it is an economical one. I think it is a beneficial provision, limited as we have it here, and not open to all the posts of the country, where a citizen may have influence with an officer to get things, but limited to those two tropical countries, one of which we hope to soon vacate and the other where the enlargement and contraction of the army makes sometimes a surplus.

Mr. MANN. When the gentleman says, "We all hope we will vacate one soon," he omits to have in mind a gentleman connected with another body at the other end of the Capitol.

Mr. HULL. Oh, well, I do not pretend to say we will get out.

Mr. MANN. Why not accept the proposition of the gentleman from Minnesota [Mr. TAWNEY]?

Mr. HULL. I think you might as well strike it all out as to do that. That is the only reason.

Mr. MANN. That would leave authority to sell the supplies and not bring them home. That is what you want to do?

Mr. HULL. You reduce the appropriation by that amount.

Mr. MANN. They know they can get all the money they want.

Mr. HULL. They know they are always criticised when they bring in a deficiency bill.

Mr. MANN. But they know when they manage to bring in something they have saved in that way they get 100 per cent credit on it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HULL. Certainly.

Mr. FITZGERALD. Suppose the Army in Cuba has some of these stores purchased with the funds of the Cuban Government?

Mr. HULL. Is not that a violent supposition?

Mr. FITZGERALD. No; it is not, because the evidence is that they are buying them now.

Mr. HULL. Then they would not belong to the Army of the United States. They would belong to the Cuban Government.

Mr. FITZGERALD. They do belong to the Army of the United States, although the cost of maintaining troops there is, to some extent at least, paid by the Cuban Government.

Mr. HULL. I am very glad to hear that, because I was of the impression that we were paying all of the bills for the support of the Army.

Mr. TAWNEY. In Cuba?

Mr. HULL. That is, of the Army.

Mr. FITZGERALD. The gentleman is entirely mistaken.

Mr. TAWNEY. All the expense the Government has incurred in the island of Cuba up to this time, except the expense of transporting the Army to Cuba, has been paid for out of the treasury of Cuba.

Mr. HULL. Does the gentleman say that all of the subsistence of the Army is paid for there?

Mr. TAWNEY. Yes, sir.

Mr. HULL. Then I can see no sense in this provision at all.

Mr. FITZGERALD. Not all of it is paid so far out of the Cuban treasury.

Mr. HULL. If they are not sending rations and subsistence there, as they report to us, accumulating a surplus, so that if the Army is kept there the subsistence will be there, and if they go away there will be a surplus, this should not be in at all.

Mr. TAWNEY. They are being paid for to some extent out of the treasury of Cuba. I have a letter in the committee room from the Secretary of War to that effect. He sent a detailed statement of everything paid, and I will send and get it.

Mr. HULL. I will say to the gentleman that in our hearing the commissary of subsistence stated that they had to keep a surplus of food there, because if they stayed there they would need it, but if they returned they would not, or if the Army were reduced they would not need it; and yet everyone knows we would not tolerate for a moment running so near the margin of daily supplies that it would endanger the feeding of our army.

Mr. FITZGERALD. I asked the gentleman the question for the reason that at present from the revenues of the Cuban Government sufficient funds are being diverted to maintain the Army there. I suppose that part of the maintenance of the Army is furnishing subsistence. Now, under this provision whatever stores remain there they could sell.

Mr. HULL. I think the gentleman is mistaken about subsistence, for this reason: I have never understood it was the intention of the Government to charge the Cuban Government with the cost of the Army, a cost that we would have been compelled to meet even if they had never gone there. For instance, they feed the Army the same rations as they do here. Now, do I understand the gentleman from New York [Mr. FITZGERALD] to say or the gentleman from Minnesota [Mr. TAWNEY] to say

that the Government is now collecting from the Cuban Government the amount expended for subsistence of our Army there from day to day? If the gentleman states that, and can prove it, this appropriation should be cut down.

Mr. FITZGERALD. I did not say that.

Mr. HULL. And the "Cuban invasion," as some of the people call it, by our troops is really a great economical measure in the care of the Army, if that is the case.

Mr. FITZGERALD. That may be one good excuse, but I am not inquiring into that. The statement was made that the cost of maintaining the Army in Cuba was being met—

Mr. HULL. Does not that refer to extra expense, as that of charging up the extra mileage?

Mr. FITZGERALD. I am asking the gentleman for information.

Mr. HULL. I have not got it.

Mr. FITZGERALD. I am asking the gentleman for it.

Mr. HULL. You gentlemen on the Committee on Appropriations would have more knowledge of that than I.

Mr. TAWNEY. We have a detailed statement from the Secretary of War in regard to it. I have sent to the committee room for it.

Mr. FITZGERALD. I am asking this in order to be enlightened upon this provision.

Mr. HULL. I say to the gentleman now, and I think he will see it, that we pay the subsistence of the Army and pay proper of the soldiers, and there would be no more reason to charge the Cuban Government with the rations we issue to our soldiers because they are in Cuba than to charge them with the pay proper of the Army.

Mr. FITZGERALD. Have they the same rations issued there as here?

Mr. HULL. We have an alternative ration, costing about the same, that they can vary; but the character of the ration is practically that of the one issued here.

Mr. FITZGERALD. That would make a difference in the situation.

Mr. KEIFER. Mr. Chairman, I think the gentleman in charge of the bill has reached probably the true point, that we are not paying them anything but the additional cost of maintaining the Army in Cuba; that we buy the ration now just as we have always done, and if there is any additional cost on account of transportation or otherwise in maintaining our Army at the camp of Columbia, outside of Habana, then it is paid out of Cuban funds, by order of the Secretary of War by the governor down there. But there has been no information coming to me that the Army officers were paid or the men paid or their rations paid for out of any Cuban funds. I think the chairman of the Committee on Appropriations has a letter which will explain it all.

Mr. HULL. Mr. Chairman, I understand there is information before us of a deficiency for extra mileage that is to be paid by the Cuban Government, and extra cost of transportation of the Army and its supplies. There is a large deficiency made for that, as I understand, and mileage, and that is expected to be paid back out of the revenues of the Cuban Government; but the pay of the Army proper, for its clothing, subsistence, medical attendance, and all the expenses going on the same as they would go on in this country we are paying for.

Mr. MANN. Will the gentleman permit me to ask him one question?

Mr. HULL. Oh, certainly.

Mr. MANN. It was reported around the Capitol here some time ago—and if not true it ought to be denied—that the expenses of sending the American troops to Cuba were borne wholly or in part out of an original emergency appropriation made at the beginning of the Spanish-American war. Can the gentleman tell us whether that is the case or not?

Mr. HULL. We have no report upon that, and no other information than the gentleman has.

Mr. TAWNEY. The gentleman is mistaken. The fact is that it was not the emergency appropriation made at the beginning of the Spanish war. There was an appropriation, as I now recall it, about the close of the Spanish-American war, when the Philippine uprising began, of about \$3,000,000, and part of this extra expense, I understand, has been paid out of that \$3,000,000 appropriation. How Congress could make that appropriation for the Army and how it could be expended in view of the constitutional provision, I do not know, but it was made, and it has been made available for the payment of that expense.

Mr. MANN. I do not see how that money could be used in that way in view of the constitutional prohibition of such a use. The money could not be properly expended by the Government in that way.

Mr. HULL. It did not come from the Committee on Military Affairs, and members of that committee have no information.

Mr. MANN. I am not criticising where the appropriation came from. The appropriation was probably proper to be made, but the Constitution provides that they can not extend over two years.

Mr. HULL. That is not a question with which we have to do; the Comptroller and the courts can pass on that question.

Mr. MANN. If it be a fact that they are paying money for any purpose of that sort, which was not contemplated at the time the appropriation was made, even if they have the right to use the money legally, there would be a question, but in this case clearly they do not have the right to use the money, because Congress can not make an appropriation for military purposes in that way.

Mr. KEIFER. It is doing it all along. We will do it next year. Because we appropriate for fortifications that continue without any limitation to two years.

Mr. MANN. I suppose they can make an appropriation for fortifications, but that is not for the maintenance of the Army.

Mr. KEIFER. It is connected with the Army.

Mr. MANN. While it is connected with the Army, this is directly for the maintenance of the Army, and that it can not do under the Constitution.

Mr. HULL. The whole matter is with the Comptroller of the Treasury and the courts.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. TAWNEY. I shall have to insist upon the point of order unless the gentleman accepts the proposed amendment.

Mr. HULL. Then it might just as well go out.

Mr. TAWNEY. Then I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Minnesota.

Mr. TAWNEY. The other part, line 8 to line 14, on page 22, where it is proposed to give to officers intrusted with the disbursement of funds for the subsistence of the Army authority to keep, at their own risk, in their personal possession for disbursement, such restricted amounts—

The CHAIRMAN. Beginning with the word "Provided," in line 8, and extending down to the word "war," in line 14?

Mr. TAWNEY. Yes.

The CHAIRMAN. The Chair understands. Now on page 20, beginning with the word "Provided," in line 18—

Mr. TAWNEY. Down to and including the word "appropriation," in line 6, on page 21.

The CHAIRMAN. The Chair so understands. The Chair sustains the point of order.

Mr. HULL. What point of order does the Chair sustain?

The CHAIRMAN. The Chair sustains the point of order striking out those two provisos. Does the gentleman from Illinois [Mr. MANN] insist on his point of order.

Mr. MANN. No; I withdraw my point of order.

The CHAIRMAN. The point of order made by the gentleman from Illinois is withdrawn.

Mr. HULL. There is only one proviso that has been passed upon, which is the one on page 25 of the print which I have.

Mr. TAWNEY. On page 22 of the one which I have.

Mr. HULL. The one beginning—

Provided, That hereafter the Secretary of War may cause to be sold at public sale—

That has been sustained.

Mr. TAWNEY. Yes.

Mr. HULL. Now, I understand the other is simply reserved until you know whether you want it or not.

Mr. TAWNEY. Yes.

Mr. HULL. I understood the Chair to sustain that, too.

The CHAIRMAN. The Chair has sustained the point of order made by the gentleman from Minnesota, directed, first, against the words beginning with "*Provided*," in line 18, page 20, down to and including the word "appropriation," in line 6, page 21; and under the ruling of the Chair that goes out. Also, the Chair has sustained the point of order directed against the words beginning with the word "*Provided*," in line 8, on page 22, down to and including the word "war," in line 14, on that page. That goes out also under the ruling.

Mr. TAWNEY. I simply reserved the point of order on the last proviso for the purpose of asking the gentleman from Iowa a question. I have not insisted upon that point of order.

The CHAIRMAN. The Chair understood the gentleman to insist.

Mr. TAWNEY. I have not insisted on that point of order.

The CHAIRMAN. The Chair will then modify his ruling as indicated.

Mr. TAWNEY. Under this paragraph authority is given to

officers intrusted with the disbursement of funds for the subsistence of the Army to keep at their own risk, in their personal possession, for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall, from time to time, be authorized by the Secretary of War. I have no doubt about the convenience of this, but I want to submit to the gentleman from Iowa that the language is so general as to the amount that an officer may have at any one time that it is very likely to be abused, and if the gentleman could find more restricted language—

Mr. HULL. I should like to say to the gentleman from Minnesota that my understanding is that at places where they have no subtreasury officers have that power now. This only extends it to places where they have a subtreasury. I should like to call the attention of the gentleman from Minnesota, and the committee, to the statement of General Sharpe on this subject:

The CHAIRMAN. In regard to the provision about keeping funds on hand by officers at their personal risk, what is the practice now?

General SHARPE. Under section 3620 of the Revised Statutes the Secretary of the Treasury can authorize the Secretary of War to grant authority to officers stationed at places remote from a depository to keep at their own risk in their personal possession the subsistence funds required for disbursement, but in places where there is a treasurer or an assistant treasurer this authority can not be granted under the present law. The purpose of this proviso is to enable authority to be given in places where there is a treasurer or an assistant treasurer. If an enlisted man comes to an office after banking hours to be paid commutation of rations, he must be given a check, and that check he will have to cash at a saloon or some other place.

The CHAIRMAN. It gives the Secretary of War the right to make allowances in places where they have a subtreasury?

General SHARPE. Yes, sir. Those officers are under bond. There is no relaxation of the security to the Government. It places additional responsibility on the officer. In the Spanish war troops went through New York from Montauk Point, and it was urgent in that case; the officer had to violate the law or make himself liable to criticism.

If he had refused to pay them, he would have been subject to criticism, and in paying them he violated the law.

Mr. TAWNEY. And while this provision is new it is not establishing any new authority except at the point where there is a subtreasury or a treasury?

Mr. HULL. That is all.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On line 1, page 20, strike out the words "vinegar for public animals."

Mr. OLMSTED. Mr. Chairman, this bill carries a total appropriation amounting to \$79,000,000 for purposes little understood by most of us. We have to take it upon credit and upon our confidence in the Military Committee. This particular paragraph covers about \$6,400,000. It bears some evidence of having been padded in the matter of language for the purpose of enumerating many items, stringing out long paragraphs of many items to justify an enormous total, but no amount is specified for any particular item.

Now, I notice, on page 19, "Matches for lighting public fires." I do not suppose there will ever be a box of matches bought for that particular purpose. I notice several other peculiar features in this paragraph to which I will not call specific attention, but this item of "vinegar for public animals" seems to require explanation. I have offered this amendment for the purpose of asking the chairman of the Military Committee three questions: First, what are public animals? Second, is vinegar a necessary article of diet for public animals? And third, what proportion of the amount of this \$6,400,000 is to be expended for the purchase of vinegar for public animals? [Laughter.]

Mr. HULL. Mr. Chairman, I suppose the gentleman from Pennsylvania, who is understood to be a distinguished farmer as well as a great lawyer—

Mr. OLMSTED. More farmer than lawyer.

Mr. HULL (continuing). Realizes that in many cases an application of hot vinegar is a good thing for spavin and sprain in horses, and that at some times it is excellent for the scalded back of a horse. Is not that so?

Mr. OLMSTED. I never have tried it.

Mr. HULL. Did the gentleman never ride a horse until his back became scalded?

Mr. OLMSTED. No; I am a good rider. I keep my balance and his back does not rub. [Laughter.]

Mr. HULL. Did not the gentleman ever drive a horse fast enough to cause a spavin?

Mr. OLMSTED. No; I never drove a spavined horse.

Mr. HULL. I am afraid the gentleman is no sport at all. [Laughter.] I have lost faith in the story that has been circulated around these halls that he is a distinguished agricul-

turist from Pennsylvania. [Laughter.] I should imagine that a very small amount of this appropriation would be expended for vinegar.

Mr. OLMSTED. Will the gentleman limit the appropriation to a hundred thousand dollars.

Mr. HULL. Oh, yes; \$20,000, I should say, would be sufficient, but let us have it in the debate, so that the War Department may have notice that they must not go beyond a certain sum for vinegar.

Mr. OLMSTED. I will modify my amendment by inserting after the word "animals," "Provided not more than \$20,000 of this amount shall be used for vinegar for public animals."

Mr. HULL. I am inclined to think that that is not subject to a point of order, as it is a limitation. It might be at a large expense, but of course the gentleman has no hope or desire of getting such a proviso adopted or he would not have offered it.

The question on agreeing to the amendment was taken, and the amendment was disagreed to.

Mr. TAWNEY. Mr. Chairman, there has been some discussion this afternoon in regard to our expenditures in connection with the occupation or intervention in Cuba, and I desire, for the information of the committee, to have read at the Clerk's desk a letter received from the Secretary of War.

Mr. HULL. Will the gentleman waive that until I have corrected some punctuation in the bill?

Mr. TAWNEY. Certainly.

Mr. HULL. Mr. Chairman, on page 19, line 18, after the word "war," I ask that a semicolon be inserted. In line 20, same page, after the word "material," strike out the semicolon and insert a comma.

The CHAIRMAN. Without objection, the amendments will be agreed to.

There was no objection.

Mr. HULL. On page 20, line 3, after the word "scouts," strike out the colon and insert a semicolon.

Mr. OLMSTED. Is that in the interest of economy?

Mr. HULL. That is in the interest of punctuation and to save amendments by the Senate.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. HULL. On page 21, after the word "department," in line 9, strike out the comma and insert a semicolon.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

Mr. TAWNEY. Mr. Chairman, there have been some questions asked this afternoon concerning our expenditures in Cuba and whether or not any part of that expenditure is being paid out of the treasury of the Cuban Government. During the consideration of the first emergency appropriation bill at this session, which carried an appropriation of, I think, \$150,000 for traveling pay of officers in the Army, the subject came up, and the Secretary of War addressed to the chairman of the Committee on Appropriations a letter completely covering this subject. In view of the discussion this afternoon, I ask unanimous consent that the letter may now be read for the information of the committee and printed in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the letter to which he has just referred may be read and printed in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, December 14, 1906.

MY DEAR MR. TAWNEY: The cost to the United States for the unusual expenditures resulting from the sending of the army of pacification to Cuba amounted on November 30, 1906, to \$2,012,632.77, distributed as follows.

Quartermaster's Department:

Regular supplies	\$103,763.82
Incidental expenses	84,316.79
Barracks and quarters	22,252.61
Army transportation	1,321,361.81
Clothing and camp and garrison equipment	69,204.25
Horses for cavalry, artillery and engineers	32,500.00
Emergency fund	105,625.00

\$1,739,024.28

Pay Department	82,495.89
Signal Corps	66,616.81
Subsistence Department	49,041.56
Medical Department	57,235.15
Engineer Department	17,774.04
Ordnance Department	445.04

Total 2,012,632.77

In addition there will be a continued expense so long as this army remains there, of which an itemized account is being kept. As near

as can be estimated, this will be for the remainder of the current fiscal year as follows:

Quartermaster's Department, for the period Nov. 30, 1906, to June 30, 1907:	
Transportation of the Army and its supplies	\$403,503.98
Horses for cavalry, artillery, and engineers	10,000.00
Clothing and camp and garrison equipage	50,600.00
Incidental expenses	293,538.85
	\$757,642.83
Pay Department, \$45,831.05 per month, or for the period Nov. 30, 1906, to June 30, 1907	320,817.35
Signal Corps, for the period Nov. 30, 1906, to June 30, 1907	58,000.00
Subsistence Department, \$23,925.28 per month, or for period Nov. 30, 1906, to June 30, 1907	167,476.96
Medical Department, for the period Nov. 30, 1906, to June 30, 1907	14,000.00
Total	1,317,937.14

So far these expenditures have been made out of the regular appropriations, supplemented in the case of the Quartermaster's, the Signal Corps, and the Engineer Department out of the allotments made to them from the emergency fund of the War Department. Expenditures from such allotments, so far as reported, are as follows:

Quartermaster's Department	\$105,625
Signal Corps	50,000
Engineer Department	10,000
Total	165,625

In my current annual report I say:

"An insurrection against the Government of Cuba that arose during the past summer assumed such proportions by September that the President of that Republic requested the intervention of the United States, under the authority derived from the so-called 'Platt amendment'; and in connection with the establishment of a provisional government for Cuba for the purposes of pacification an expeditionary force of regular troops, aggregating 5,396 men, was dispatched to Cuba and is now there, with Brig. Gen. James F. Bell, Chief of Staff, in command.

"During our first military occupation of Cuba, and while the Army was employed in putting down the insurrection in the Philippines, a large part of the expense involved in such use of the United States Army was made a charge against the revenues of Cuba and the Philippines, respectively.

"Among the classes of army expenditures thus paid out of the Cuban and Philippine treasuries were the following:

"Rent of barracks, hospitals, storehouses, quarters for officers and for enlisted men entitled thereto by the regulations of the United States Army; rent of target ranges, pastures, drill grounds, and similar expenditures; repairs for quarters, and material used in such repairs; services, such as scavengers and policing not required to be performed by troops and prisoners; all expenses necessary in the supply of water; such expenditures as are made from the appropriation for transportation of the Army, as repairs of wagons, transportation material, shoeing of horses and mules, maintenance of vessels and crews used by the Quartermaster's Department in Cuba; surveying instruments and books; expenses connected with the establishment and maintenance of detention camps, material used in disinfection, and similar emergency expenditures; maintenance and operation of telephone and telegraph lines used by the Army; and hire of scouts, guides, and interpreters.

"The sending of an expeditionary force to Cuba of course involves a very considerable expenditure for army purposes additional to that which would be necessary if the same force were employed in their ordinary places of duty. An itemized account of such expenditures is being kept by the Department, and it seems just and proper that the increased cost to the United States of sending expeditionary forces to Cuba should be paid out of the funds of the Cuban treasury."

The authority for the use of the revenues of "occupied territory" is found in the familiar principle of international law which is referred to by Hon. Elihu Root, then Secretary of War, in his letter to the chairman of the Committee on Military Affairs of the House of Representatives, dated May 31, 1902, being House Report No. 2350, Fifty-seventh Congress, first session, and just what procedure was taken and expenditure made is explained in the letter from the then Secretary of War to the Speaker of the House of Representatives, dated May 20, 1900, which is printed as House Document No. 396, Fifty-sixth Congress, first session.

While the present provisional administration of the affairs of the Republic of Cuba is not military but civil in its form, it is in effect and law an assumption of the functions of government. As a necessary corollary to its obligations to maintain stability and to preserve life, liberty, and property, there comes the right to administer and expend such portions of the revenues of the occupied territory as may be necessary for those purposes. Under military occupation the governing control is lodged in the President of the United States. Under the former occupation there was a general direction by the President of the United States for the expenditure of such portions of the revenues of Cuba as might be necessary to maintain peace and order, which extended to all necessary instrumentalities to attain the same. By direction of the Secretary of War, under his order, various expenditures were made by the military governor of Cuba for those objects.

The present government of the island is actually exercised by the President, through the provisional governor of the Republic of Cuba, and he has, by his various decretal orders, appropriated various sums for providing shelter and preserving the health of United States forces on duty in Cuba, to wit:

Decree No. 17, October 13, 1906, general disbursement for necessary expenses from general revenue	\$50,000
Decree No. 105, October 31, 1906, for rents, maintenance and repairs of public buildings, supplying water to troops, disposal of sewage, screening quarters, constructing shelter, necessary labor, and general sanitation	50,000
Decree No. 173, November 24, 1906, for above purposes	30,000

The necessary expenditures for the above objects, and for others necessary to the due administration of the provisional government, are contemplated to be made from time to time. The purposes for such ex-

pensitures are necessary to carry out the beneficial objects of our intervention, and are doomed to be properly payable from the revenues of Cuba, and not of the Government of the United States.

The only question which arises is whether the revenues of the Government of Cuba are sufficient to pay the ordinary expenses of its government and these military expenses besides. I think it might be well to authorize the President or Secretary of War to receive from the Cuban treasury and deposit in the Treasury of the United States such sums as the President shall determine to be equitable and available from the Cuban revenues, and thus reimburse the Treasury of the United States for the expenditures incurred by the United States in the military occupation of the island.

Very respectfully,

SECRETARY OF WAR.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, U. S., Washington.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges and stoves, and appliances for cooking and serving food at posts and on transports, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1908, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, \$5,500,000: *Provided*, That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department, for the actual use of such officers only, at the rate of \$3 per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer's actual personal necessities as certified to by him: *Provided further*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing, unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1908, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.

Mr. FITZGERALD. Mr. Chairman, I raise the point of order against lines 17 and 18, on page 23.

Mr. MANN. Mr. Chairman, I reserve the point of order on the first proviso on page 24, commencing on line 17, and also to the proviso, on page 25, to the clause reading "and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War."

The CHAIRMAN (Mr. PERKINS). Does the gentleman from New York wish to be heard on his point of order?

Mr. FITZGERALD. I would like to ask the gentleman from Iowa some questions.

Mr. HULL. Do I understand the gentleman from Illinois to reserve his point of order to the fuel proviso?

Mr. MANN. Yes.

Mr. HULL. What is the point of order of the gentleman from New York?

Mr. FITZGERALD. I raise the point of order to the proviso for the "construction and operation of laundries." I desire to know how much of this appropriation it is intended shall be expended to construct new laundries.

Mr. HULL. Mr. Chairman, I would say that on the proposi-

tion of the gentleman from New York [Mr. FITZGERALD] that it is impossible for me to give the exact information as to the amount. My understanding is that it is an extension of the work of putting up laundries they have had heretofore at hospitals, and it is a matter of economy at posts to construct them, and that the amounts that would be expended I should imagine would not be very considerable, but would be something.

Mr. FITZGERALD. Mr. Chairman, when this bill was under consideration last session I called the attention of the committee to the fact that in several items a great number of different matters were included and large lump appropriations made. For instance, this particular paragraph appropriates \$5,500,000 for a great number of different items. It is utterly impossible to ascertain either how much is expended for any particular purpose or how much is estimated for that purpose. So far as I am concerned, I said then that I should, as far as I was able, prevent the addition of new language making it possible to do additional things out of such appropriations. These items should have been segregated long ago. The matters should be divided up, so that Members of the House would be able to know just what was being done with the money appropriated.

Mr. HULL. Mr. Chairman, I would say that the different appropriations carry a very large number of items. Congress has never had in detail all the different items specified and the amount to be used for each particular purpose. I doubt if it would be profitable for Congress to have every particular individual item in this large list of materials to be purchased or work to be done estimated for separately and appropriated for separately. I can give the gentleman the only information that I have here in regard to these laundries. I read from the hearings:

The CHAIRMAN. The next is "For the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions." We have had that laundry business up, and I thought that we authorized you to have laundries.

General HUMPHREY. No, sir. We are authorized to do laundry work. We have some laundries that were established by the Medical Department for sanitary reasons. I think it very desirable to provide that at such posts as the Secretary of War may decide require laundries the machinery may be purchased and fuel for operation supplied, so that laundry for the enlisted men may be done in the posts. I have mentioned that in my annual report, and believe the reasons given are excellent. They are as follows:

"There is urgent need at many military posts for laundry facilities for enlisted men. The work could be done much more economically and with greater convenience than under the present system, or want of system, by which enlisted men have to depend upon private establishments outside of the post, thus making a heavy draft upon their meager resources. Established laundries under military control are also desirable for sanitary reasons, as has heretofore been pointed out by the Surgeon-General of the Army. The present method of having enlisted men's laundry work done at all sorts of places outside of military reservations and which are not under sanitary inspection is a constant menace to health, especially in the island possessions.

Those are the reasons for the items. I think it is subject to a point of order, and I hope that point of order will not be made.

Mr. FITZGERALD. I wish to say that I disagree with the gentleman from Iowa that it is not desirable to have the items of these various paragraphs in this bill specially explained. Last session we discovered that \$50,000 had been taken out of the fund for the transportation of the Army in order to test coal. We found a great many instances in which the appropriations were being used for purposes never contemplated by Congress in making the appropriations. In the naval appropriation bill specific appropriations are made for laundries for the barracks of the Marine Corps, and in the estimates of last year \$280,000 was asked to put up laundries in connection with the different Marine Corps barracks. The extent of the Marine Corps is very insignificant compared with the Army itself, and if it will require \$280,000 to build laundries for the Marine Corps I would hesitate very much to permit the Quartermaster-General to have available \$5,500,000 to build laundries for the Army. I know something about the way they use these appropriations. If laundries are required at any specific post, they should be estimated for and passed upon both by the gentleman's committee and by the House. This is simply the opening up of an avenue of great expenditures never yet considered by Congress and not known to Members to be contemplated from a casual examination of the provision. The Book of Estimates for last year shows that the smallest amount, as I recollect, asked for equipping a laundry at a Marine Corps barracks was \$6,000. This appropriation authorizes the construction of laundries at any barracks or at any military post, either in the United States or in the island possessions. An astounding sum could be expended under this provision for laundries. I would ask the gentleman from Iowa if he knows whether the increase of \$500,000 in this appropriation is intended to cover the proposed erection of laundries under this language of the bill?

Mr. HULL. I will say to the gentleman that the increase of

\$500,000 was given because of the increased cost of a great many items here, and we cut what they asked down. The estimate was \$6,350,000, and we cut that estimate down from that amount to \$5,500,000 not on account of laundries, but on account of the belief that they might get through on that amount and it is a limitation upon what they could have. The increase of \$500,000 was not on account of laundries, I will say to the gentleman, and I have no idea the amount expended would be anywhere near \$500,000, because the Secretary of War would select the posts where they are needed most and thus know what they would have left out of the appropriation to carry on the regular work. There is nothing that can be bought under this appropriation except what is specifically mentioned in the appropriation. The abuses to which the gentleman referred a while ago, or what he called abuses, as to tests of coal, etc., were all out of the transportation of the Army and its supplies.

Mr. FITZGERALD. I think there was some in this particular item—

Mr. HULL. There has been a large growth during the years of making that appropriation shoulder everything else that was not specifically provided for, and when we come to that we have required separate estimates for them in the future, but I think to go into a separate estimate of every one of the things enumerated in this would be to burden our record with a mass of detail that would not be of any particular benefit to the Government.

Mr. FITZGERALD. Well, upon that same line of reasoning we might just as well appropriate one lump sum and let them do as they please with it for the Army.

Mr. HULL. I hardly think that would follow.

Mr. FITZGERALD. I imagine that what we are here for is to know something about the purposes for which this money is to be expended; the more detailed information we have the more efficiently we can discharge the duty that devolves upon us.

Mr. HULL. I do believe the reason given by the Quartermaster-General is exceedingly strong in favor of it, and we ought to give the enlisted force of the Army the privilege of having their laundry done inside of the grounds by sanitary methods.

Mr. FITZGERALD. I agree with the gentleman, but I think Congress ought to determine how much should be expended for a laundry and at what particular place it should be expended, just the same as Congress determines just where and how much shall be expended for a hospital, which is of much more importance to the enlisted men.

Mr. HULL. Congress has never done that in regard to barracks and quarters and military posts. We have given a lump sum.

Mr. FITZGERALD. I said hospitals at those places. We have put a limitation so that they can not expend over \$20,000 for any one hospital.

Mr. HULL. In the general hospital appropriation they do not go over \$20,000; that is under the law. But generally it is a lump sum and expended under the direction of the Department.

Mr. FITZGERALD. But under this they could expend any amount they pleased for any one laundry. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. Does the Chair understand the gentleman from Iowa to resist the point of order?

Mr. HULL. I do not resist the point of order at all.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Illinois insist upon his point of order, which he has reserved?

Mr. MANN. Mr. Chairman, I reserve the point of order. I do not think there is any question but the paragraph is subject to the point of order.

Mr. HULL. What is it?

Mr. MANN. On page 24, the first proviso, with reference to the charge which the Government shall make for fuel furnished to the commissioned officers.

Mr. HULL. I will say to the gentleman that is the same provision, as I remember, that we had last year.

Mr. MANN. I understand.

Mr. HULL. And I will say to the gentleman, if the word "hereafter" was in last year, this could go out on the ground that it is reenacted law. I am trying to see what is the case. There has never been a time when the Government has not furnished fuel to officers at a certain fixed price.

Mr. MANN. I understand all of that, but here is a proposition to furnish fuel at a great deal less than cost.

Mr. HULL. Yes.

Mr. MANN. Which means not only the kind that you describe, which is standard oak wood—

Mr. HULL. That has always been the standard.

Mr. MANN. Or hard coal, or soft coal, or anything else the man desires to burn.

Mr. HULL. Each class to be the equivalent of that cord of hard wood.

Mr. MANN. Now, we pay a certain salary to a commissioned officer in the Army.

Mr. HULL. Yes.

Mr. MANN. Thereupon we provide in addition that he shall have so much money for the quarters which he does not get. Then we provide that he shall receive his grocery supplies partly at the expense of the Government. Then we provide that he shall receive his fuel partly at the expense of the Government. Then we provide that he shall have his laundry work done.

Mr. HULL. Oh, no; you do not.

Mr. MANN. You just wanted to put in that provision here.

Mr. HULL. These laundries are for the enlisted men—specifically advocated on that line.

Mr. MANN. I understand the gentleman to say that is what they are advocated for, but the provision of the bill not only authorizes the use of these laundries for the benefit of the commissioned men, but for anybody else in the world.

Mr. HULL. No; they all have to pay.

Mr. MANN. Pay what? A fixed charge regardless of the cost. So that I say it is done partly at the expense of the Government.

Mr. HULL. Now, I will read what we passed last year:

Provided, That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department.

Mr. Chairman, I am perfectly willing that it should go out. It is simply reenacting existing law.

Mr. MANN. I am perfectly willing it should go out.

Mr. HULL. It goes out because it stays in.

Mr. MANN. That is a question for the Comptroller to determine.

Mr. HULL. The reason for the Government placing fuel at a fixed price is because officers are compelled to go where they are ordered. The same reason that applies to that applies to the rations that are sold to the officers from the commissary stores. Now, under the old law, before the last appropriation act, all of the officers were allowed exactly the same amount for fuel. A man in Cuba got just the same amount allowed that the man in Alaska could buy, and a man in Alaska could not buy a pound more. That was not fair. A man is sent to Alaska in pursuance of the policy of the Government, and he ought not to be compelled, as he would in some places there, to spend practically all of his salary to keep himself warm during the winter and be at a disadvantage with the man who is in a warmer country. It is to equalize the conditions that this was put in, granting an increased allowance under certain conditions. The officer in a cold country is still at a disadvantage. The Government has never, probably, made its fuel account come out even on what they let the officers have. It has never come out even on its commissary account with what it has supplied. And yet the very nature of the service required this must be equalized or else the man with the most undesirable billet in which to serve as an officer would be ruined by the Government on account of such service.

Mr. MANN. Mr. Chairman, I do not know that there will be any objection to letting the officers have fuel partly at the expense of the Government, but it will be highly desirable, if it were possible, for Congress to ascertain what is the compensation paid to the officers in the Army and Navy and other officials of the Government. The gentleman in charge of the bill is not able to tell. I do not think there is an Army officer who can tell.

Mr. KEIFER. Oh, yes.

Mr. MANN. Well, the gentleman from Ohio thinks he can. Let us see.

Mr. KEIFER. No; I did not say that. I stated that the Army officers could.

Mr. MANN. They get their privileges, but nobody knows what is the amount of their compensation. They are provided with a salary, a home, then we let them have partly at our expense their groceries, and we let them have partly at our expense their fuel supplies. We have omitted to add part of the expense of the unnecessary and costly uniforms which the Army Regulations require them to purchase. But nobody knows what the compensation amounts to, and what these things that they get amount to.

Mr. HULL. The amount paid for groceries is more than the amount these articles cost the Government, because 10 per cent is added in all cases, and where transportation has not been included it more than pays the cost to the Government.

Mr. MANN. Is it not a fact that groceries or anything else are not purchased by the officer from the Government unless he can purchase them at the same price or lower price than he can from the grocer?

Mr. HULL. Oh, in the great staple articles the Government, with the 10 per cent added to the original cost, can supply them in all thickly settled parts of the country cheaper than the grocer; but it does not entail a loss on the Government in these cases.

Mr. MANN. The gentleman must not misunderstand me. I do not say it is wrong to do it, but I am seeking to find out, if anybody can tell me, in the midst of the constant demand for increase now prevailing perhaps all over this country; and I would like to inquire what they now get.

Mr. HULL. Take a captain. He gets \$1,800 a year.

Mr. MANN. That is his salary.

Mr. HULL. Now, he gets no allowance for quarters unless he is stationed in a city where the Government does not own quarters.

Mr. MANN. And if it does not, under this bill he gets \$36 a month.

Mr. HULL. If he is at a post, he has three rooms allotted to him; where there are no quarters he gets \$36 per month.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. I ask unanimous consent that I may give this explanation for the benefit of my distinguished friend from Illinois.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL. Now, he gets that \$1,800; then he gets a 10 per cent increase on that every five years up to 40 per cent increase. So that if he serves twenty years he gets 40 per cent additional pay on account of longevity service. Now, that is called the "longevity" or "bogey" pay, and this can not go beyond the 40 per cent.

Mr. MANN. That is the salary.

Mr. HULL. That is the salary of a captain. Now, he gets the privilege of purchasing such commissary stores as he may desire to purchase from the Government at the cost to the Government, with 10 per cent added.

Mr. MANN. How does anybody know how much that will be, or whether they will buy any?

Mr. HULL. A great many of them do not buy anything.

Mr. MANN. How much does the Government lose in paying out the money in that way?

Mr. HULL. I should say a very trifling sum.

Mr. MANN. Has the gentleman sufficient knowledge to be able to guess?

Mr. HULL. Nobody could tell, unless they could figure each individual purchase and balance profit and loss.

Mr. MANN. That is what I say.

Mr. HULL. It would be so trifling a sum that the gentleman from Illinois would not consider it.

Mr. MANN. I do not see how the gentleman can say it is a trifling sum. What is a cord of standard oak wood worth in the District of Columbia to-day?

Mr. OLMSTED. Eight dollars.

Mr. HULL. The whole of the time that they are at a post they get fuel allowed up to a certain amount at a certain rate. They now get what they need at such a rate. It may not be wood, but can be the equivalent in heating power of wood.

Mr. MANN. It would cost the Government \$8 a cord, and they would get it at three, so that at least part of it would be at the expense of the Government.

Mr. HULL. I will ask the gentleman how much his fuel costs him?

Mr. MANN. It costs a great deal. I can tell the gentleman to provide fuel for my modest house here it costs me from \$150 to \$250 a year.

Mr. HULL. That is a very high price.

Mr. MANN. I burn a great deal of wood, for which we have to pay out of our own pockets and receive no assistance from the Government.

Mr. HULL. But the gentleman must remember that these officers pay a very large part of it out of their pockets.

Mr. MANN. Why not?

Mr. HULL. Why, yes.

Mr. MANN. The Government pays a large part of it.

Mr. HULL. No; it does not pay the larger part.

Mr. MANN. It costs the Government \$8 a cord for the wood, and they are only charged three.

Mr. HULL. I think I will undertake to furnish the gentleman with all the wood he wants, if he will take it in considerable quantities, for five dollars and a half a cord.

Mr. MANN. I will take a cord, then, at five dollars and a half. The gentleman is called right now. [Laughter.]

Mr. HULL. I said "in considerable quantities."

Mr. MANN. Oh, nobody buys these things in considerable quantities. We buy them at retail.

Mr. HULL. The Government buys largely at wholesale. I think I can tell the gentleman within a hundred dollars a year all that a captain of the Army gets out of his pay and allowances.

Mr. MANN. I think the gentleman is wide of the mark more than a thousand dollars a year.

Mr. HULL. That is quite a difference of opinion.

Mr. MANN. Yes.

Mr. HULL. And while I ordinarily bow with the greatest respect to the judgment of the gentleman from Illinois, I am compelled at this time to doubt his having figured on the question at all.

The CHAIRMAN (Mr. PERKINS). Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Certainly.

The CHAIRMAN. The Chair sustains the point of order on the proviso beginning with the word "Provided," in line 17, on page 24.

Mr. HULL. I concede the point of order, simply on the ground that it is a reenactment of existing law.

Mr. MANN. I should like to ask the gentleman from Iowa what is the reason why the Government should engage in the business of making and selling electric light and power at Army posts?

Mr. HULL. That question was gone into pretty fully last year. It is for the reason that at a great many of these places there are no private electrical plants, there is no ice made, and the people of the locality are favored by the privilege of purchasing it, and it makes no expense to the Government.

Mr. MANN. I was not referring to the provision with reference to ice. I can understand that, but I ask about electric power and light.

Mr. HULL. It is for the same reason, that at many of the Army posts they have electric power, while the villagers have none, and where they can purchase it from the Government it is of great advantage to them, and the amount received for it is covered into the Treasury.

Mr. MANN. Then the gentleman thinks this is an advantageous thing.

Mr. HULL. Provided they do not enter into competition with any private concern, and the Quartermaster-General says there has been no controversy raised at any place, but that it has been a great boon to the people living in these places.

Mr. MANN. I withdraw the point of order on that.

The CHAIRMAN. The point of order is withdrawn. The gentleman, as the Chair understands, has a further point of order reserved. The gentleman reserved a point of order on page 25.

Mr. MANN. That is the one I withdraw. The other one, on page 24, is the one I insisted upon, and that was sustained. I withdraw the point of order on page 25.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. HULL. Concerning the provision on page 24, a reading of the law of last year shows that this is simply a reenactment of the law as it was last year.

The CHAIRMAN. The Chair so understands.

Mr. HULL. It is a reenactment of the present law.

The Clerk read as follows:

For barracks and quarters for troops of the Seacoast Artillery, \$1,300,000: *Provided*, That hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress, and no part of this appropriation shall be expended at posts proposed to be abandoned.

Mr. TAWNEY. I desire to reserve a point of order on this paragraph.

Mr. MILLER. I desire to reserve a point of order to that part of the provision in the last section which is new legislation, "that hereafter no part of the appropriations for barracks and quarters shall be expended at brigade posts unless by authority of Congress."

Mr. TAWNEY. I reserve a point of order on the entire paragraph.

The CHAIRMAN (Mr. CURRIER). The gentleman from Kansas makes a point of order against the entire paragraph, as the Chair understands.

Mr. MILLER. No; against the proviso.

Mr. TAWNEY. I make the point of order against the entire paragraph.

The CHAIRMAN. The gentleman from Minnesota makes the point of order against the entire paragraph. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HULL. I should like to hear what the gentleman bases his point on.

The CHAIRMAN. The Chair does not care to hear from the gentleman from Minnesota.

Mr. HULL. Then the Chair and the gentleman from Minnesota have discussed it? I supposed the Chair would want to know what the gentleman from Minnesota based his point on, unless he had discussed it with the gentleman.

The CHAIRMAN. No; the Chair has had no discussion with the gentleman from Minnesota, but it is very apparent to the Chair why the point of order is made.

Mr. TAWNEY. The Chair can well admit that the gentleman from Minnesota has not even suggested the point of order to the Chair until now. The gentleman from Iowa is well aware of the fact that this provision is for the construction of new work. It is a provision that has always been carried in the sundry civil bill. The Committee on Military Affairs therefore had no jurisdiction of the subject-matter of the paragraph, as evidenced by the provision now carried in the sundry civil bill, which reads as follows:

Military posts: For the construction and enlargement of buildings at such military posts as, in the judgment of the Secretary of War, may be necessary; for the erection of barracks and quarters for the artillery in connection with adopted project for seacoast defenses, and for the purchase of suitable building sites for said barracks and quarters, \$825,000, of which sum \$1,000 may be used under direction of the Secretary of War for examination, survey, and plans for an adequate water supply for Fort William Henry Harrison, in the State of Montana; but no part of the money appropriated for military posts shall be used for the purchase of any land except as herein specially provided.

The matter is new legislation in this provision, and it is not germane to the bill reported by the Committee on Military Affairs.

Mr. HULL. Mr. Chairman, I desire to be heard. I have no question in my mind that the Committee on Military Affairs has jurisdiction over barracks and quarters for the line of the Army, whether at seacoast defenses or otherwise. Even if the Committee on Appropriations has heretofore had this matter, gives it no jurisdiction under the rule. In this appropriation this year there were two appropriations submitted by the estimates; that of itself carries with it no jurisdiction, I am willing to concede, because it is in the estimates, but for the artillery even seacoast defenses is just as much under the jurisdiction of the Committee on Military Affairs up to the limit that has been heretofore carried in these bills by the two committees as the buildings at any other post in the country. I suppose we have no jurisdiction whatever to say where these posts shall be located, and we claim none on that. The Committee on Appropriations, having jurisdiction of fortification bills, locate all the fortifications of the country. But giving them the location of fortifications, it does not follow that they buy the clothing; they do not buy the overcoats; they do not buy any of the clothing of the artillery, and they have no more jurisdiction over the barracks and quarters on account of locating the place where the guns shall be emplaced than they have over the overcoats of soldiers.

It seems to me because of this division heretofore we have appropriated for barracks and quarters, and part of the money has been expended at these posts. There has been no restriction upon it; it was simply barracks and quarters. I see no reason why the point of order should be raised against this appropriation simply because in this bill the committee has segregated the items and so appropriate that money for one class of quarters can not be used for another class. If we appropriated in the usual way all could be used at interior posts or all at seacoast defenses. Separating and making specific does not change the matter.

Mr. TAWNEY. Mr. Chairman, one word in reply. It is not that I care anything personally about the jurisdiction between the two committees, but it has always been the policy of Congress, upon the initiation of the Committee on Appropriations, to keep separate and distinct the cost of maintaining the Army and the expense incident to that maintenance and the cost for new construction for new posts. That was the policy of Congress when the Committee on Appropriations had jurisdiction of both the Army appropriation bill and the sundry civil bill. It was for the purpose of enabling Congress to at all times determine from the Army appropriation bill what it was costing the people of the United States to maintain the Army and what it was costing for such new construction or new posts that were not necessarily incident to the maintenance of the Army.

Now, that division was carefully maintained when the Committee on Appropriations had jurisdiction of both bills, and when the jurisdiction over the Army bill was taken from that committee nothing went from the Committee on Appropriations except the items incident to and necessarily involved in the maintenance of the Army. From that time until to-day the Committee on Appropriations have carried in their appropriation bill the provision provided for here.

I think the policy is a good one; I believe it should be maintained. There is no feeling at all on the part of the Committee

on Appropriations because of the attempt to take from the Committee on Appropriations this jurisdiction, but it will necessarily result in the abolition of that policy which I believe to be wise and correct—the policy that enables Congress and the country at all times to know what it is costing to maintain the Army and what the new construction is costing the people incident to the existence of the Army. I think there can be no question whatever about the point of order being well taken, because it does not belong to this bill.

Mr. HULL. Mr. Chairman, I would like to say one word in regard to what has been said by the gentleman from Minnesota that the military bill provides only for the actual cost of maintaining the Army. The answer to that is seen in every appropriation bill since the division of power in the House and the taking away from the Committee on Appropriations of certain appropriations. There has not been a single appropriation bill from the Military Committee that has not provided for barracks and quarters, not one. It is true that when the Committee on Appropriations had the entire subject under its control there was carried in the sundry civil appropriation bill the appropriation for buildings costing more than \$20,000, and in the Army appropriation bill appropriations for buildings costing less than \$20,000. Yet, unless you construe the language in which they make it as waiving the law, they have violated the law every time they have brought in an appropriation for a larger building. The same law that they invoke against the Military Committee applies to them. It is found on page 281 of the military laws of the United States, and it says:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by special appropriations for the same, except when constructed by the troops; and no such structures the cost of which shall exceed \$20,000 shall be erected unless by special authority of Congress.

Now, we have carried barracks and quarters in the military bill every year since the division of power. We are entitled to that at least. We have jurisdiction of it. If the gentleman were correct that we are only to legislate on the military bill for the actual expenses of supporting the Army, why have we done all these other things that have been in the nature of construction for every year since the Committee on Military Affairs has had jurisdiction?

The CHAIRMAN. The Chair will ask the gentleman from Iowa if this committee has ever before taken jurisdiction of barracks for seacoast artillery on an appropriation bill?

Mr. HULL. It has never been asked specifically for that. But under our appropriation for barracks and quarters, not limiting it to any other than coast artillery, every dollar we appropriate could have been used there, and much of it has been.

The CHAIRMAN. But the Chair asked the gentleman from Iowa if the bill under consideration does not provide for barracks and quarters for troops other than seacoast artillery.

Mr. HULL. We divided it for this reason: That the appropriation asked for by the two committees had gone beyond the amount that the evidence showed the Department needed for this purpose. If we had appropriated in the other way, as we have done heretofore, it would have meant that they could use every dollar at the seacoast defenses, or they could use every dollar and let that out. The two appropriations asked for from the two committees exceeded by a million of dollars the amount that the Chief of Artillery stated would be necessary. We wanted to make it specific, so that they could not divert this money they asked for from one purpose to another. That is all. We have simply changed the language of the appropriation to make it specific, that they could not use what they ask for for seacoast barracks and quarters at other posts and what they ask for at other posts at the seacoast. Heretofore they could use every dollar at the seacoast defenses or they could refuse to use a dollar there, as they might desire. It does seem to me that simply making it specific does not change it. The only question that can arise is whether a dollar of this money can be used for any building costing more than \$20,000, and, in my judgment, it can not under this provision and under the law I have just read.

If we desire to appropriate more than \$20,000 to a building, it would be necessary for us to specify each building, and then the same law would apply to the Committee on Military Affairs that applies to the Committee on Appropriations, and the only difference in the language of the appropriation heretofore is that they call it "for military posts" and we call it "for barracks and quarters." It is identically the same thing, and they put in this language, "subject to the discretion of the Secretary of War," and hold that that waives the law and that he can put all the money in one building if he wants to. I think the intent of the law rigidly carried out by Congress would be that you

have got to appropriate on detailed estimates for every building that costs more than \$20,000, and you have got to make a specific appropriation for the building under the law.

Mr. KAHN. Mr. Chairman, in addition to what the gentleman from Iowa has just said, I would like to make this suggestion: It must be apparent that the Committee on Military Affairs has jurisdiction over this matter; otherwise you would have this anomalous condition. The Military Committee could come in here and make a recommendation for the increase of the Army, and yet they would not be able to furnish quarters for that increase. Therefore I maintain that they have that authority and have always exercised that authority.

Mr. HULL. Let me submit this to the Chairman, just this one proposition. Suppose the Committee on Military Affairs, in place of trying to safeguard this appropriation, had simply said "for barracks and quarters, \$6,325,000," as the Department asks. They could have used every dollar of it for what is set out here, submitted in the estimates, not only the \$1,300,000, but the whole six million on the coast defenses if they had desired it, because there is no limitation in the language of the estimates and has never been any limitation in former appropriation bills. The Chairman will find on page 37 of the hearings before the Military Committee the matter fully set out for what they desire it. That is the information that enables us to segregate the two items. If we had appropriated as we have heretofore, they could have used \$6,000,000 for seacoast defense if they had that number of buildings costing less than \$20,000 each.

Mr. TAWNEY. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. TAWNEY. Is it not a fact there is no estimate made in the estimates submitted under the Army bill for this appropriation?

Mr. HULL. There is an estimate submitted in the estimates for the Army bill for \$1,373,000.

Mr. TAWNEY. It is also a fact that the estimate for this item of barracks and quarters, Seacoast Artillery, is submitted as an estimate in the sundry civil expenses of the Government.

Mr. HULL. Just as they do for military posts; and, Mr. Chairman, that is one of the great evils of this class of legislation where two committees have jurisdiction concurrently over the same matters, where if a building costs less than \$20,000 they go to one committee and if it costs more than \$20,000 it goes to another, making two divisions. They have submitted to the committee in the sundry civil estimate for a certain amount for the same purposes, not only seacoast, but all posts. They claim that those buildings cost more than \$20,000. They make this estimate to the Military Committee for \$1,373,000 for buildings that could be built and have been built heretofore under the law under the appropriation carried by this bill.

The CHAIRMAN. The suggestion of the Chairman at the time the point of order was made that he did not care to hear the gentleman from Minnesota was based upon the fact that this paragraph is out of order regardless of the question of jurisdiction. This limitation is not confined to this appropriation, but is general in its terms, "Provided, That hereafter," etc., and the Chair sustains the point of order.

Mr. HULL. Let me ask the Chairman if he sustains the point of order to the whole paragraph or to the proviso?

The CHAIRMAN. If any part of the paragraph is out of order, the whole paragraph is out of order.

Mr. HULL. Then, Mr. Chairman, I offer the following amendment: "For barracks and quarters for troops of the Seacoast Artillery, \$1,300,000."

Mr. TAWNEY. I make the point of order against the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 2, page 31, the following:
"For barracks and quarters for troops of the Seacoast Artillery, \$1,300,000."

The CHAIRMAN. And against that the gentleman from Minnesota raises the point of order. The Chair would like to ask the gentleman from Iowa what committee in the past has actually appropriated the money that has built the barracks for the Seacoast Artillery?

Mr. HULL. I should say that the amount over \$20,000 in a building had been appropriated by the Committee on Appropriations, and that all costing \$20,000 and less by the Committee on Military Affairs.

The CHAIRMAN. Well, has the gentleman any positive knowledge what committee has actually appropriated the money which has gone to build this class of buildings?

Mr. HULL. I have not, but if the Chair will hold the matter up until to-morrow morning I can give positive knowledge one way or the other.

Mr. TAWNEY. I wish to say in reply to the Chair that the construction of barracks and quarters for the Army out of the appropriations made by the Military Committee have been made out of the general appropriation expended under the statute passed, as I now recollect it, in 1843, and have applied exclusively to barracks and quarters of the Army, not the seacoast defense at all, with a limit on the expenditure to \$20,000 for each building. That is the only appropriation that has ever come from the Committee on Military Affairs relating to barracks and quarters. No appropriation has ever been made—

The CHAIRMAN. You are referring to Seacoast Artillery?

Mr. TAWNEY. I am not referring to Seacoast Artillery.

The CHAIRMAN. To barracks generally.

Mr. TAWNEY. To barracks of the Army. If there is any appropriation for seacoast defense it has been carried heretofore in the sundry civil appropriation bill.

Mr. HULL. As a separate item; have you carried it as a separate item or as military posts?

Mr. TAWNEY. Carried it just as we carry it in the current law. It is for military posts, and in the body of the item "For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense and for the purchase of suitable building sites," etc.

It is under the title "Military posts," but the language of the law especially authorizes the appropriation for the erection of barracks and quarters for the seacoast artillery in connection with adopted projects for seacoast defenses. That is the language of the appropriation for this purpose in the sundry civil bill, and always has been.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, the Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908, and had come to no resolution thereon.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa, a member of the Committee on Appropriations, reported the bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read the first and second time, and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WILLIAMS. I desire to reserve all points of order.

WITHDRAWAL OF PAPERS.

Mr. DOVENER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Ella F. Sydnor, H. R. 1763, Fifty-sixth Congress, no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of John F. Starcher, H. R. 10167, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. ROBINSON of Arkansas, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Fannie Hay Maffit, H. R. 3968, Fifty-ninth Congress, and H. R. 7230, Fifty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Secretary of War, an estimate of deficiency appropriation for the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Long Island channel and Rockaway Inlet, New York—

to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Newark Bay and Passaic River, New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River and tributaries, Oregon and Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting papers in the pension case of Mary Murray, with recommendations of relief—to the Committee on Pensions.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BIRDSALL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6855) to amend the act approved August 19, 1890, entitled, "An act to adopt regulations for preventing collisions at sea," reported the same without amendment, accompanied by a report (No. 6055); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 190) extending protection of second proviso of section 1 of the act of December 21, 1904, to certain entrymen, reported the same without amendment, accompanied by a report (No. 6120); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CUSHMAN, from the Committee on Private Land Claims, to which was referred the bill of the Senate (S. 5531) for the relief of Francisco Krebs, reported the same without amendment, accompanied by a report (No. 6054); which said bill and report were referred to the Private Calendar.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22291) to authorize the reappointment of Harry McL. P. Huse to the active list of the Navy, reported the same with amendment, accompanied by a report (No. 6056); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15562) providing for the payment of an amount found by the Court of Claims to be due John J. Vincent, reported the same with amendment, accompanied by a report (No. 6057); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16793) for the relief of A. Boschke, civil engineer, reported the same without amendment, accompanied by a report (No. 6058); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19354) granting three months' pay proper to Henry C. Pearson, reported the same without amendment, accompanied by a report (No. 6059); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House (H. R. 20069) for the relief of John D. McLain, reported the same without amendment, accompanied by a report (No. 6060); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 874, reported in lieu thereof a resolution (H. Res. 680) referring to the Court of Claims the papers in the case of Peter Dougherty, accompanied by a report (No. 6064); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 1257, reported in lieu thereof a resolution (H. Res. 681) referring to the Court of Claims the papers in the case of William Offutt, deceased, accompanied by a report (No. 6065); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 1258, reported in lieu thereof a resolution (H. Res. 682) referring to the Court of Claims the papers in the case of William Taylor, accompanied by a report (No. 6066); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 1446, reported in lieu thereof a resolution (H. Res. 683) referring to the Court of Claims the papers in the case of Lucy M. Fisher, accompanied by a report (No. 6067); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2167, reported in lieu thereof a resolution (H. Res. 684) referring to the Court of Claims the papers in the case of William W. Callahan, administrator, accompanied by a report (No. 6068); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 2166, reported in lieu thereof a resolution (H. Res. 685) referring to the Court of Claims the papers in the case of Salina E. Lauderdale, accompanied by a report (No. 6069); which said resolution and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on War Claims, to which was referred the bill of the House H. R. 1571, reported in lieu thereof a resolution (H. Res. 686) referring to the Court of Claims the papers in the case of Joseph White, deceased, accompanied by a report (No. 6070); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 2993, reported in lieu thereof a resolution (H. Res. 687) referring to the Court of Claims the papers in the case of Mrs. E. W. Williams, accompanied by a report (No. 6071); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 3474, reported in lieu thereof a resolution (H. Res. 688) referring to the Court of Claims the papers in the case of J. B. Chandler and D. B. Cox, accompanied by a report (No. 6072); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3824, reported in lieu thereof a resolution (H. Res. 689) referring to the Court of Claims the papers in the case of Mason Shipman, accompanied by a report (No. 6073); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3827, reported in lieu thereof a resolution (H. Res. 690) referring to the Court of Claims the papers in the case of Luther H. Potterfield, accompanied by a report (No. 6074); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3902, reported in lieu thereof a resolution (H. Res. 691) referring to the Court of Claims the papers in the case of Napoleon B. Watkins, accompanied by a report (No. 6075); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 3903, reported in lieu thereof a resolution (H. Res. 692) referring to the Court of Claims the papers in the case of George M. Fry, accompanied by a report (No. 6076); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 3919, reported in lieu thereof a resolution (H. Res. 693) referring to the Court of Claims the papers in the case of Virginia E. Ficklin and James W. Ficklin, accompanied by a report (No. 6077); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 3957, reported in lieu thereof a resolution (H. Res. 694) referring to the Court of Claims the papers in the case of John McDermott, accompanied by a report (No. 6078); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 4902, reported in lieu thereof a resolution (H. Res. 695) referring to the Court of Claims the papers in the case of J. W. McConnell, accompanied by a report (No. 6079); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which

was referred the bill of the House H. R. 5078, reported in lieu thereof a resolution (H. Res. 696) referring to the Court of Claims the papers in the case of the estate of John Hogan, accompanied by a report (No. 6080); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 5942, reported in lieu thereof a resolution (H. Res. 697) referring to the Court of Claims the papers in the case of the estate of Richard M. Harrison, deceased, accompanied by a report (No. 6081); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 5943, reported in lieu thereof a resolution (H. Res. 698) referring to the Court of Claims the papers in the case of W. H. Harrison, accompanied by a report (No. 6082); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 5947, reported in lieu thereof a resolution (H. Res. 699) referring to the Court of Claims the papers in the case of Richard Wiseman, deceased, accompanied by a report (No. 6083); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 5951, reported in lieu thereof a resolution (H. Res. 700) referring to the Court of Claims the papers in the case of Lettie Myers, accompanied by a report (No. 6084); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 6456, reported in lieu thereof a resolution (H. Res. 701) referring to the Court of Claims the papers in the case of Robert H. Holland, accompanied by a report (No. 6085); which said resolution and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House H. R. 7614, reported in lieu thereof a resolution (H. Res. 702) referring to the Court of Claims the papers in the case of Peter Sheets, deceased, accompanied by a report (No. 6086); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 7646, reported in lieu thereof a resolution (H. Res. 703) referring to the Court of Claims the papers in the case of Johnson Miller, deceased, accompanied by a report (No. 6087); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 7779, reported in lieu thereof a resolution (H. Res. 704) referring to the Court of Claims the papers in the case of Protestant Orphan Asylum at Natchez, Miss., accompanied by a report (No. 6088); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 7817, reported in lieu thereof a resolution (H. Res. 705) referring to the Court of Claims the papers in the case of the heirs and representatives of Thomas B. Benson, deceased, accompanied by a report (No. 6089); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 9049, reported in lieu thereof a resolution (H. Res. 706) referring to the Court of Claims the papers in the case of the relief of estate of Bennett Robertson, deceased, accompanied by a report (No. 6090); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 9348, reported in lieu thereof a resolution (H. Res. 707) referring to the Court of Claims the papers in the case of Edwin Calhoun, accompanied by a report (No. 6091); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 9349, reported in lieu thereof a resolution (H. Res. 708) referring to the Court of Claims the papers in the case of W. F. Parker, accompanied by a report (No. 6092); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 11195, reported in lieu thereof a resolution (H. Res. 709) referring to the Court of Claims the papers in the case of the estate of Josiah Parnell, deceased, accompanied by a report (No. 6093); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 11697, reported in lieu thereof a resolution (H. Res. 710) referring to the Court of Claims the papers in the case of W. H. Padrick, deceased, accompanied by a report (No. 6094); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11828, reported in lieu thereof a resolution (H. Res. 711) referring to the Court of Claims the papers in the case of Henry Gannon, deceased, accompanied by a report (No. 6095); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11830, reported in lieu thereof a resolution (H. Res. 712) referring to the Court of Claims the papers in the case of Oliver Milburn, deceased, accompanied by a report (No. 6096); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 11831, reported in lieu thereof a resolution (H. Res. 713) referring to the Court of Claims the papers in the case of John Whittington, accompanied by a report (No. 6097); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 11857, reported in lieu thereof a resolution (H. Res. 714) referring to the Court of Claims the papers in the case of the estate of James Johnson, deceased, accompanied by a report (No. 6098); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 11965, reported in lieu thereof a resolution (H. Res. 715) referring to the Court of Claims the papers in the case of the estate of Henry Vedrine et al., accompanied by a report (No. 6099); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 12110, reported in lieu thereof a resolution (H. Res. 716) referring to the Court of Claims the papers in the case of the estate of Aaron Turner, deceased, accompanied by a report (No. 6100); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12527, reported in lieu thereof a resolution (H. Res. 717) referring to the Court of Claims the papers in the case of Dr. J. J. Crunk, accompanied by a report (No. 6101); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12668, reported in lieu thereof a resolution (H. Res. 718) referring to the Court of Claims the papers in the case of Jonathan Poulk, deceased, accompanied by a report (No. 6102); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 12722, reported in lieu thereof a resolution (H. Res. 719) referring to the Court of Claims the papers in the case of William M. Goforth, accompanied by a report (No. 6103); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 12817, reported in lieu thereof a resolution (H. Res. 720) referring to the Court of Claims the papers in the case of the estate of H. B. Henegar, deceased, accompanied by a report (No. 6104); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 12893, reported in lieu thereof a resolution (H. Res. 721) referring to the Court of Claims the papers in the case of A. J. Bryson, accompanied by a report (No. 6105); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 13290, reported in lieu thereof a resolution (H. Res. 722) referring to the Court of Claims the papers in the case of Mount Zion Church, of Williamson County, Tenn., accompanied by a report (No. 6106); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17302, reported in lieu thereof a resolution (H. Res. 723) referring to the Court of Claims the papers in the case of James Inman, accompanied by a report (No. 6107); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 13353, reported in lieu thereof a resolution (H. Res. 724) referring to the Court of Claims the papers in the case of the heirs of Mary A. Summerhill, deceased, accompanied by a report (No. 6108); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17609, reported in lieu thereof a resolution (H. Res. 725) referring to the Court of Claims the papers in the case of James T. Dodson, accompanied by a report (No. 6109); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House H. R. 17764, reported in lieu thereof a resolution (H. Res. 726) referring to the Court of Claims the papers in the case of Lewis B. Brasher, accompanied by a report (No. 6110); which said resolution and report were referred to the Private Calendar.

Mr. PATTERSON of South Carolina, from the Committee on War Claims, to which was referred the bill of the House H. R. 18004, reported in lieu thereof a resolution (H. Res. 727) referring to the Court of Claims the papers in the case of Frederick A. Holden, accompanied by a report (No. 6111); which said resolution and report were referred to the Private Calendar.

Mr. LEE, from the Committee on War Claims, to which was referred the bill of the House H. R. 18055, reported in lieu thereof a resolution (H. Res. 728) referring to the Court of Claims the papers in the case of the estate of Solomon Landis, deceased, accompanied by a report (No. 6112); which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 18101, reported in lieu thereof a resolution (H. Res. 729) referring to the Court of Claims the papers in the case of the heirs of Edward and William Holderby, accompanied by a report (No. 6113); which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House H. R. 18796, reported in lieu thereof a resolution (H. Res. 730) referring to the Court of Claims the papers in the case of the Grand Lodge Independent Order of Odd Fellows of the State of Tennessee, accompanied by a report (No. 6114); which said resolution and report were referred to the Private Calendar.

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House H. R. 19742, reported in lieu thereof a resolution (H. Res. 731) referring to the Court of Claims the papers in the case of the estate of George E. House, deceased, accompanied by a report (No. 6115); which said resolution and report were referred to the Private Calendar.

Mr. FULKERSON, from the Committee on War Claims, to which was referred the bill of the House H. R. 19972, reported in lieu thereof a resolution (H. Res. 732) referring to the Court of Claims the papers in the case of Martha A. Davis, accompanied by a report (No. 6116); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House H. R. 19982, reported in lieu thereof a resolution (H. Res. 733) referring to the Court of Claims the papers in the case of Robert Michaels, accompanied by a report (No. 6117); which said resolution and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House H. R. 21865, reported in lieu thereof a resolution (H. Res. 734) referring to the Court of Claims the papers in the case of John B. Page, accompanied by a report (No. 6118); which said resolution and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House H. R. 22600, reported in lieu thereof a resolution (H. Res. 735) referring to the Court of Claims the papers in the case of Lillie L. Penrod, sole heir of Mary E. Wycough, accompanied by a report (No. 6119); which said resolution and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. KENNEDY of Nebraska, from the Committee on War Claims, to which was referred the bill of the House (H. R. 16485) for the relief of the estate of John T. McCord, deceased, reported the same, accompanied by an adverse report (No. 6061); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 18117) for the relief of Oscar Von

Hoffman, reported the same, accompanied by an adverse report (No. 6062); which said bill and report were laid on the table.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21701) for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers, reported the same, accompanied by an adverse report (No. 6063); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WEEKS: A bill (H. R. 23815) to purchase a painting of the battle of Gettysburg—to the Committee on the Library.

By Mr. PEARRE: A bill (H. R. 23816) to prevent intimidation and corruption of voters at all primary elections and at all general elections held for the purpose of nominating or electing any person to any political office under the Constitution and laws of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, a bill (H. R. 23817) granting pensions to certain enlisted men, soldiers and officers who served in the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23818) to provide for fixing a uniform standard of classification and grading of wheat, flax, corn, oats, barley, rye, and other grains, and for other purposes—to the Committee on Agriculture.

By Mr. SHERMAN: A bill (H. R. 23819) to amend an act entitled "An act to regulate commerce," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 23820) for the erection of a monument to the memory of Philip Kearny—to the Committee on the Library.

By Mr. SMITH of Iowa, from the Committee on Appropriations: A bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes—to the Union Calendar.

By Mr. STANLEY: A bill (H. R. 23822) for dredging and removing sand bars in Ohio River near Hawesville and Uniontown, Ky., and near the mouth of Green River—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: A bill (H. R. 23823) to provide reciprocal free trade in coal between the United States and the Dominion of Canada—to the Committee on Ways and Means.

By Mr. PEARRE: A bill (H. R. 23824) to require an accounting of money expended in elections, to provide for the filing of statements of receipts and disbursements of political committees with the Secretary of the Department of Commerce and Labor, and to prohibit corporations and national banking associations from directly or indirectly paying or contributing any money, property, or thing of value to any political committee or to any candidate for nomination or election to any office under the Constitution and laws of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SOUTHWICK: A bill (H. R. 23825) to protect the rights of any owner of letters patent for an invention—to the Committee on Patents.

By Mr. BROWN: A bill (H. R. 23826) for the settlement of conflicting claims of the State of Wisconsin and its grantees and of the La Pointe band and other Chippewa Indians to lands on sections 16 in La Pointe Indian Reservation, in Ashland County, Wis.—to the Committee on Indian Affairs.

By Mr. MURPHY: A bill (H. R. 23827) providing that the hours of service of certain employees engaged in operating any railroad engaged in interstate commerce in the United States shall be limited to not more than eight hours in any twenty-four consecutive hours, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 23828) to amend an act approved February 24, 1905, for the protection of persons furnishing labor, materials, plans, and supplies for the construction of public works—to the Committee on the Judiciary.

Also, a bill (H. R. 23829) to provide for the computation of salaries of employees of the Government for fractional parts of a month—to the Committee on the Judiciary.

By Mr. BABCOCK: A bill (H. R. 23830) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEARRE: A joint resolution (H. J. Res. 215) proposing amendments to the Constitution of the United States,

and providing for the election of United States Senators by direct vote of the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 680) referring claim to Court of Claims (bill H. R. 874)—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 681) referring claim to Court of Claims (bill H. R. 1257)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 682) referring claim to Court of Claims (bill H. R. 1258)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 683) referring claim to Court of Claims (bill H. R. 1446)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 684) referring claim to Court of Claims (bill H. R. 2167)—to the Private Calendar.

Also, from the same committee, a resolution (H. Res. 685) referring claim to Court of Claims (bill H. R. 2166)—to the Private Calendar.

By Mr. HOLLIDAY, from the Committee on War Claims: A resolution (H. Res. 686) referring claim to Court of Claims (bill H. R. 1571)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 687) referring claim to Court of Claims (bill H. R. 2993)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 688) referring claim to Court of Claims (bill H. R. 3474)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 689) referring claim to Court of Claims (bill H. R. 3824)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 690) referring claim to Court of Claims (bill H. R. 3827)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 691) referring claim to Court of Claims (bill H. R. 3902)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 692) referring claim to Court of Claims (bill H. R. 3903)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 693) referring claim to Court of Claims (bill H. R. 3919)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 694) referring claim to Court of Claims (bill H. R. 3957)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 695) referring claim to Court of Claims (bill H. R. 4902)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 696) referring claim to Court of Claims (bill H. R. 5078)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 697) referring claim to Court of Claims (bill H. R. 5942)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 698) referring claim to Court of Claims (bill H. R. 5943)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 699) referring claim to Court of Claims (bill H. R. 5947)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 700) referring claim to Court of Claims (bill H. R. 5951)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 701) referring claim to Court of Claims (bill H. R. 6456)—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 702) referring claim to Court of Claims (bill H. R. 7614)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 703) referring claim to Court of Claims (bill H. R. 7646)—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 704) referring claim to Court of Claims (bill H. R. 7779)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 705) referring claim to Court of Claims (bill H. R. 7817)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 706) referring claim to Court of Claims (bill H. R. 9049)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee

on War Claims: A resolution (H. Res. 707) referring claim to Court of Claims (bill H. R. 9348)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 708) referring claim to Court of Claims (bill H. R. 9349)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 709) referring claim to Court of Claims (bill H. R. 11195)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 710) referring claim to Court of Claims (bill H. R. 11697)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 711) referring claim to Court of Claims (bill H. R. 11828)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 712) referring claim to Court of Claims (bill H. R. 11830)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 713) referring claim to Court of Claims (bill H. R. 11831)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 714) referring claim to Court of Claims (bill H. R. 11857)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 715) referring claim to Court of Claims (bill H. R. 11965)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 716) referring claim to Court of Claims (bill H. R. 12110)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 717) referring claim to Court of Claims (bill H. R. 12527)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 718) referring claim to Court of Claims (bill H. R. 12668)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 719) referring claim to Court of Claims (bill H. R. 12722)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 720) referring claim to Court of Claims (bill H. R. 12817)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 721) referring claim to Court of Claims (bill H. R. 12893)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 722) referring claim to Court of Claims (bill H. R. 13290)—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 723) referring claim to Court of Claims (bill H. R. 17302)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 724) referring claim to Court of Claims (bill H. R. 13353)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 725) referring claim to Court of Claims (bill H. R. 17609)—to the Private Calendar.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 726) referring claim to Court of Claims (bill H. R. 17764)—to the Private Calendar.

By Mr. PATTERSON of South Carolina, from the Committee on War Claims: A resolution (H. Res. 727) referring claim to Court of Claims (bill H. R. 18004)—to the Private Calendar.

By Mr. LEE, from the Committee on War Claims: A resolution (H. Res. 728) referring claim to Court of Claims (bill H. R. 18055)—to the Private Calendar.

By Mr. HAUGEN, from the Committee on War Claims: A resolution (H. Res. 729) referring claim to Court of Claims (bill H. R. 18101)—to the Private Calendar.

By Mr. SIMS, from the Committee on War Claims: A resolution (H. Res. 730) referring claim to Court of Claims (bill H. R. 18796)—to the Private Calendar.

By Mr. KENNEDY of Nebraska, from the Committee on War Claims: A resolution (H. Res. 731) referring claim to Court of Claims (bill H. R. 19742)—to the Private Calendar.

By Mr. FULKERSON, from the Committee on War Claims: A resolution (H. Res. 732) referring claim to Court of Claims (bill H. R. 19972)—to the Private Calendar.

Also, from the same committee: A resolution (H. Res. 733) referring claim to Court of Claims (bill H. R. 19982)—to the Private Calendar.

By Mr. CLAYTON, from the Committee on War Claims: A resolution (H. Res. 734) referring claim to Court of Claims (bill H. R. 21865)—to the Private Calendar.

By Mr. OTJEN, from the Committee on War Claims: A reso-

lution (H. Res. 735) referring claim to Court of Claims (bill H. R. 22600)—to the Private Calendar.

By Mr. BRADLEY: A resolution (H. Res. 736) referring to the Court of Claims bill H. R. 20575—to the Committee on Claims.

By Mr. MONDELL: A resolution (H. Res. 737) to pay to Mrs. Alberta De Lario a certain sum of money—to the Committee on Accounts.

By Mr. HULL: A resolution (H. Res. 738) providing for provision in the Army bill creating grade of Lieutenant-General of the Army—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACHESON: A bill (H. R. 23831) granting an increase of pension to Joseph R. Day—to the Committee on Invalid Pensions.

By Mr. ALLEN of New Jersey: A bill (H. R. 23832) granting an increase of pension to John H. Aughey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23833) granting an increase of pension to Mary M. Howell—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23834) granting an increase of pension to Samuel Langmaid—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23835) granting an increase of pension to John O. Evans—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23836) for the relief of Thomas J. Akins, assistant treasurer of the United States at St. Louis, Mo.—to the Committee on Claims.

Also, a bill (H. R. 23837) granting a pension to Peter Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23838) granting an increase of pension to Frederick Spies—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23839) to correct the military record of John Quasse—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 23840) for the relief of Mary Wellmaker—to the Committee on War Claims.

Also, a bill (H. R. 23841) granting an increase of pension to Kate C. Bishop—to the Committee on Pensions.

By Mr. BOWIE: A bill (H. R. 23842) for the relief of Joseph H. Parsons, heir of Lewis E. Parsons of Talladega, Ala.—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 23843) granting an increase of pension to Frances A. Barker—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23844) granting a pension to Edwin F. Foster, alias Paul Gillon—to the Committee on Pensions.

Also, a bill (H. R. 23845) granting an increase of pension to George W. Cassle—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23846) granting an increase of pension to Sarah Ann Kendig—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 23847) for the relief of William Donnelly and Patrick Egan—to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 23848) granting a pension to James W. Shuffelbarger—to the Committee on Pensions.

Also, a bill (H. R. 23849) granting an increase of pension to Charles A. Mathews—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23850) granting an increase of pension to William Freeman—to the Committee on Pensions.

Also, a bill (H. R. 23851) granting an increase of pension to Isaac F. Smith—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 23852) granting an increase of pension to James G. Crozer—to the Committee on Invalid Pensions.

By Mr. CROMER: A bill (H. R. 23853) granting an increase of pension to Frank Ellis—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23854) granting an increase of pension to Henry Allen—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 23855) granting a pension to Sarah E. Selders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23856) granting an increase of pension to Charles T. Alcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23857) granting an increase of pension to Isaac C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23858) granting an increase of pension to Hugh M. Cox—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23859) granting an increase of pension to Mark D. Lillie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23860) granting an increase of pension to William G. Cummings—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 23861) granting a pension to William L. Snider—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 23862) granting an increase of pension to Thomas Gagan—to the Committee on Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 23863) granting an increase of pension to Daniel Mayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23864) granting an increase of pension to James A. Miller—to the Committee on Invalid Pensions.

By Mr. GILHAMS: A bill (H. R. 23865) granting an increase of pension to John Sanford Mott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23866) granting an increase of pension to Silas Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23867) granting an increase of pension to Joseph Rickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23868) granting an increase of pension to George Buchanan—to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 23869) for the relief of George E. Hoffman—to the Committee on War Claims.

Also, a bill (H. R. 23870) granting an increase of pension to America J. Austin—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 23871) granting a pension to Hazlewood A. C. Bradfute—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 23872) granting an increase of pension to Charles Blacker—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 23873) granting a pension to John E. Drohan—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 23874) granting an increase of pension to William R. Horn—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 23875) granting an increase of pension to William M. Moore—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 23876) granting an increase of pension to William E. Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23877) granting an increase of pension to Mary A. Edwards—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 23878) granting a pension to Lena Wing—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 23879) granting an increase of pension to Elizabeth Hodge—to the Committee on Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 23880) granting an increase of pension to Winfield S. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23881) granting an increase of pension to Henry R. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23882) granting a pension to Mary W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23883) granting a pension to Mary E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23884) granting a pension to Mary K. Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23885) to correct the military record of Edgar Crockett—to the Committee on Military Affairs.

Also, a bill (H. R. 23886) to remove the charge of desertion from the naval record of Samuel E. Wadsworth, alias William Smith, second—to the Committee on Naval Affairs.

By Mr. LOWDEN: A bill (H. R. 23887) granting an increase of pension to Silas C. Yingling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23888) granting an increase of pension to Myron H. Perrigo—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 23889) authorizing the Secretary of the Interior to issue deed of conveyance to Lyman Bal-lou to certain lands in Custer County, S. Dak.—to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: A bill (H. R. 23890) granting an increase of pension to Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 23891) granting an increase of pension to William Sawyer—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23892) granting an increase

of pension to Zachariah T. Houseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23893) to remove the charge of desertion and grant an honorable discharge to Henry Lowmaster—to the Committee on Military Affairs.

By Mr. OTJEN: A bill (H. R. 23894) granting an increase of pension to Ulysses J. Wannemaker—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 23895) granting an increase of pension to Elijah W. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23896) for the relief of W. A. Coffman—to the Committee on War Claims.

By Mr. PATTERSON of North Carolina: A bill (H. R. 23897) for the relief of the estate of Henry Carter, sr., deceased—to the Committee on War Claims.

By Mr. PEARRE: A bill (H. R. 23898) for the relief of R. Jane Brewer—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 23899) granting an increase of pension to James P. Hanna—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 23900) granting a pension to Rebecca B. Baker—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 23901) granting an increase of pension to William E. Sigler—to the Committee on Pensions.

Also, a bill (H. R. 23902) granting an increase of pension to John Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23903) for the relief of Evan Knecht—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 23904) granting an increase of pension to Joseph H. Cox—to the Committee on Pensions.

Also, a bill (H. R. 23905) granting an increase of pension to E. B. Platt—to the Committee on Pensions.

Also, a bill (H. R. 23906) granting an increase of pension to Elbert C. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 23907) granting an increase of pension to Andrew M. Douglass—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 23908) granting an increase of pension to Jacob Konigstein—to the Committee on Invalid Pensions.

By Mr. SMITH of Pennsylvania: A bill (H. R. 23909) granting an increase of pension to David S. Cochran—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23910) granting an increase of pension to James O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23911) granting an increase of pension to Samuel Stauffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23912) granting an increase of pension to James E. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23913) granting an increase of pension to James H. Arrowsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23914) granting an increase of pension to Russell Puntney—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 23915) granting a pension to William Stegal—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 23916) granting an increase of pension to Emil Umlauf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23917) granting an increase of pension to Solomon Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23918) granting an increase of pension to Thomas M. Dukehart—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 23919) granting a pension to Edgar C. Harris—to the Committee on Pensions.

Also, a bill (H. R. 23920) granting a pension to John W. Ross—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 23921) granting a pension to Anna E. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23922) to carry out the findings of the Court of Claims in the case of John W. Brooks, son of Isaac Brooks, deceased—to the Committee on War Claims.

By Mr. WILSON: A bill (H. R. 23923) granting an increase of pension to Elizabeth B. Thomason—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 23924) granting a pension to William S. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23925) granting a pension to Mary Bemus—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23772) granting an increase of pension to

Temperance Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Spokane (Wash.) Chamber of Commerce, for increase of salaries of Representatives and Senators in Congress—to the Committee on Appropriations.

By Mr. ALLEN of New Jersey: Petition of the Forestry Club, State Federation of Women's Clubs, for establishment of an eastern forest reserve—to the Committee on Agriculture.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

Also, petition of the Woman's Reading Club of Rutherford, N. J., against the tariff on art works—to the Committee on Ways and Means.

By Mr. ANDRUS: Paper to accompany bill for relief of William F. Judson—to the Committee on War Claims.

Also, petition of the Yonkers Federation of Labor, against employment of Chinese laborers on the Panama Canal—to the Committee on Labor.

By Mr. BARCHFELD: Petitions of citizens of Floyd County, Ind.; citizens of Shelby County, Iowa, and citizens of Mecosta, Mich., against legislation to regulate the practice of osteopathy in the District of Columbia (bill S. 5221)—to the Committee on the District of Columbia.

Also, petition of conductors, engineers, and brakemen of the Pittsburg division of the Southwestern System, against the sixteen-hour railway bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pittsburg Composition Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARTLETT: Paper to accompany bill for relief of Mary Wellmoder—to the Committee on War Claims.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Jennie A. Tall—to the Committee on Invalid Pensions.

By Mr. BOWIE: Petition of Milton A. Smith, of Anniston, Ala., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON of Ohio: Petition of Major Cramer Camp, United Spanish War Veterans, Department of Ohio, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. CAPRON: Paper to accompany bill for relief of Gifford M. Bridges—to the Committee on Invalid Pensions.

By Mr. CASSEL: Paper to accompany bill for relief of Sarah Ann Kendig—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Freeman—to the Committee on Pensions.

Also, petition of the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CROMER: Paper to accompany bill for relief of Kenneth M. Burr—to the Committee on War Claims.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of William E. Armstrong—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: Petition of the Acme Publishing Company, against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Sophie F. Hunter—to the Committee on Pensions.

By Mr. DOVENER: Paper to accompany bill for relief of John J. Robinson—to the Committee on Invalid Pensions.

Also, petition of conductors, engineers, and brakemen of the Pittsburg division of the Southwest System, against the sixteen-hour railway bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. EDWARDS: Paper to accompany bill for relief of Robert Hardwick—to the Committee on War Claims.

Also, paper to accompany bill for relief of Lucretia Hone—to the Committee on Invalid Pensions.

Also, petition of Ex-Prisoners of War Association, for bill S.

3195 and the Dalzell bill (H. R. 9, Fifty-ninth Congress)—to the Committee on Invalid Pensions.

Also, petition of the National Camp and the Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Elkhorn Council, No. 126, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of William D. Wolford—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Aguilla B. Gilliland—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of William L. Southgate—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Hardwick—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas J. Wells—to the Committee on Military Affairs.

Also, petition of the Daily World, Helena, Ark., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of James McKelvey—to the Committee on Invalid Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of John Hurst (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Camp Luzon, No. 1, Army of the Philippines, favoring H. R. 18276 (medals for service in Philippine war)—to the Committee on Military Affairs.

Also, petition of the Chicago Board of Trade, favoring one-third of Government shipments for Panama from the port of New Orleans and Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. H. Bliss, for bill S. 2165, to pension military telegraph operators of the Army in the civil war—to the Committee on Invalid Pensions.

Also, petition of the Marseilles Plaindealer, for modification of the railway rate law so that advertising can be exchanged for transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Paper to accompany bill for relief of Mrs. America J. Austin—to the Committee on Invalid Pensions.

By Mr. GRANGER: Petition of the Rhode Island Horticultural Society, of Providence, R. I., against free distribution of seeds—to the Committee on Agriculture.

By Mr. GRIGGS: Petition of the Times-Enterprise, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Willimantic (Conn.) Board of Trade, favorable to an increase of the salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of the Franco-American Food Company, of Jersey City, N. J., urging modification of the meat-inspection bill—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Edward Simmons—to the Committee on Claims.

By Mr. JOHNSON: Papers to accompany bills for relief of Mary A. Edwards and William E. Richardson—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: Petition of the International Seaman's Union, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Publishers' League, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Evening Review, East Liverpool, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Local Union No. 17, N. B. of O. P., against employment of all Asiatic cooly labor on the Panama Canal Zone—to the Committee on Labor.

By Mr. LINDSAY: Petition of the Mission Promoting Association of San Francisco, for remittance of the duty on lumber for building purposes in San Francisco—to the Committee on Ways and Means.

Also, petition of the Association of Army Nurses of the Civil War, favoring enactment of the Dalzell bill relative to pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. MCKINNEY: Petitions of the Rock Island (Ill.) News, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of citizens of Washington, D. C., favoring legislation for reduction of the price of gas in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MEYER: Paper to accompany bill for relief of Antonio Hook (previously referred to the Committee on Invalid Pensions)—to the Committee on War Claims.

By Mr. MURPHY: Paper to accompany bill for relief of David T. Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John R. McMaster—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Valentine Fraker—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of John C. Bennett—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill giving pensions to ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of William H. Hawley—to the Committee on Invalid Pensions.

By Mr. PEARRE: Paper to accompany bill for relief of Samuel C. Young—to the Committee on War Claims.

Also, petition of the Farmers' Club of Montgomery County, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. PERKINS: Petitions of the E. R. Andrews Printing Company, the Rochester Telegraph, the Rochester Herald, and the Burnett Printing Company, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of the Association of Army Nurses of the Civil War, for the Dalzell bill pensioning ex-Union prisoners of the civil war—to the Committee on Invalid Pensions.

By Mr. RIXEY: Petition of Robert Andrews Division, No. 317, Brotherhood of Locomotive Engineers, for enactment of the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of the American Academy of Medicine, favoring legislation in the interest of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Times, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Easton Council, No. 984, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the San Francisco Labor Council, against the utterances of the President on the Japanese relation to the public schools of said city and favoring exclusion of Japanese coolies on the same terms as the Chinese coolies—to the Committee on Labor.

By Mr. SCOTT: Petition of the National Bankers of Kansas, against legislation proposing to guarantee deposits of national banks—to the Committee on Banking and Currency.

By Mr. SHEPPARD: Petitions of citizens of Avery, Hooks, Arthur City, and Bagwell, Tex., and of Durant and Sulphur, Ind. T., for an appropriation for improvement of the upper Red River—to the Committee on Rivers and Harbors.

By Mr. SMITH of Texas: Petition of the Evening News, El Paso, Tex., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of the Spanish War Veterans, of Waukesha County, Wis., for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Thomas Banks—to the Committee on Invalid Pensions.

Also, petition of citizens of Odell, Ill., for deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sylvanus G. Pepple—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Paper to accompany bill for relief of Ira P. Morrison—to the Committee on War Claims.

By Mr. VAN WINKLE: Petition of the Franco-American Food Company, of Jersey City, N. J., for modification of the meat-inspection bill—to the Committee on Agriculture.

Also, petition of the Board of Trade of Bayonne, N. J., for improvement of the waterway between Staten Island and New Jersey—to the Committee on Rivers and Harbors.

By Mr. VREELAND: Petition of the Post, Jamestown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WACHTER: Petition of John A. Logan Council, No. 19, Daughters of Liberty, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WELBORN: Petition of the Ruralist, Sedalia, Mo., against tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, January 10, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ASSAY OFFICE AT SEATTLE, WASH.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting an amended estimate of appropriation for wages of workmen, assay office at Seattle, \$30,020; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the vestry of Trinity Protestant Episcopal Church on Edisto Island, South Carolina, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward Buford, administrator of the estate of William R. Elliston and Maggie E. Fall and Sallie Richardson, only heirs of William H. Evans, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Colorado Springs, Colo., praying for the enactment of legislation to provide for a reclassification and increase of salaries of postal clerks in all first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented the petition of Henry G. Crockett, of Maine, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. GALLINGER presented a petition of sundry citizens of southwest Washington, praying for the enactment of legislation prohibiting steam locomotives from emitting smoke anywhere within the confines of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. KNOX presented a petition of the New Era Club of Western Pennsylvania, Pittsburg, Pa., praying for the enactment of legislation providing for the removal of the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of the Copper River Railway Company, of Alaska, remonstrating against the enactment of legislation providing for the construction of a railroad, telegraph, and telephone line in the district of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Merchants' Association of New York, praying for the enactment of legislation providing for increased facilities in the United States Patent Office; which was referred to the Committee on Patents.

He also presented a petition of the Association of Army Nurses of the Civil War, Brookville, Pa., praying for the enactment of legislation providing that volunteer nurses of the civil war be placed on an equality with those pensioned under the act of 1892; which was ordered to lie on the table.

He also presented petitions of C. R. Walker, secretary Altoona Lodge, Brotherhood Locomotive Firemen and Enginemen, of Altoona; Thomas F. Durkin, secretary Lodge 544, Brotherhood Railway Trainmen, of Wilkes-Barre; Nicholas Burns, secretary Lodge 250, Brotherhood Locomotive Firemen, of Wilkes-Barre; J. H. Rockenstein, secretary Brotherhood Locomotive Firemen and Engineers, of Freedom, all of the State of Pennsylvania, praying for the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of Local Division No. 156, Order of Railway Conductors, Binghamton; Local Division No. 172, Engineers of Delaware and Hudson System, Oneonta; Local Division No. 58, Brotherhood of Locomotive Engineers, Oneonta, all in the State of New York, and of Local Division No. 263, Brotherhood of Locomotive Engineers, Wilkes-Barre, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

He also presented memorials of sundry citizens of Williams-